Aaron S. Chapman to be postmaster at Simsbury, in the county of Hartford and State of Connecticut.
Ira E. Hicks to be postmaster at New Britain, in the county of Hartford and State of Connecticut.
Charles A. Keyes to be postmaster at Southington, in the county of Hartford and State of Connecticut.
Roswell A. Moore to be postmaster at Kensington, in the county of Hartford and State of Connecticut.
Jessie S. Rose to be postmaster at Manchester, in the county of Hartford and State of Connecticut.
Frederick L. Scott to be postmaster at Farmington, in the county of Hartford and State of Connecticut.
Thomas Walker to be postmaster at Plantsville, in the county of Hartford and State of Connecticut.

ILLINOIS.

Henry Brandon to be postmaster at Albion, in the county of Edwards and State of Illinois.
Henry K. Brockway to be postmaster at Barrington, in the county of Cook and State of Illinois.
Arthur P. Woodruff to be postmaster at Savanna, in the county of Carroll and State of Illinois.

INDIANA.

Martin A. Miser to be postmaster at Waterloo, in the county of Dekalb and State of Indiana.

KANSAS.

Jacob D. Hirschler to be postmaster at Hillsboro, in the county of Marion and State of Kansas.

MASSACHUSETTS.

John S. Fay to be postmaster at Marlboro, in the county of Middlesex and State of Massachusetts.
Charles A. Perley to be postmaster at Baldwinsville, in the county of Worcester and State of Massachusetts.
Charles L. Stevens to be postmaster at Clinton, in the county of Worcester and State of Massachusetts.
Charles J. Wood to be postmaster at Natick, in the county of Middlesex and State of Massachusetts.

MINNESOTA.

Carl S. Eastwood to be postmaster at Heron Lake, in the county of Jackson and State of Minnesota.

MISSOURI.

Otto K. Benecke to be postmaster at Brunswick, in the county of Chariton and State of Missouri.
George T. Dunmire to be postmaster at Kennett, in the county of Dunklin and State of Missouri.
T. B. Morris to be postmaster at Hannibal, in the county of Marion and State of Missouri.

NEVADA.

Callie B. Ferguson to be postmaster at Fallon, in the county of Churchill and State of Nevada.

NEW HAMPSHIRE.

Natt A. Cram to be postmaster at Pittsfield, in the county of Merrimack and State of New Hampshire.

NEW JERSEY.

Joseph Miller to be postmaster at Salem, in the county of Salem and State of New Jersey.

NEW YORK.

W. Seward Whittlesey to be postmaster at Rochester, in the county of Monroe and State of New York.
Clarence E. Wiggins to be postmaster at Cape Vincent, in the county of Jefferson and State of New York.

OREGON.

James L. Page to be postmaster at Eugene, in the county of Lane and State of Oregon.

PENNSYLVANIA.

Harry B. Heywood to be postmaster at Conshohocken, in the county of Montgomery and State of Pennsylvania.
John H. Mailey to be postmaster at Northumberland, in the county of Northumberland and State of Pennsylvania.
Daniel O. Merrick to be postmaster at Blossburg, in the county of Tioga and State of Pennsylvania.
William W. Scott to be postmaster at Sewickley, in the county of Allegheny and State of Pennsylvania.
Elsie Shrodes to be postmaster at Oakdale, in the county of Allegheny and State of Pennsylvania.

SOUTH DAKOTA.

John H. Dodson to be postmaster at Alexandria in the county of Hanson and State of South Dakota.
Evan J. Edwards to be postmaster at Bowdle, in the county of Edmunds and State of South Dakota.
Elmer E. Gilmore to be postmaster at Lennox, in the county of Lincoln and State of South Dakota.
Fred deK. Griffin to be postmaster at Selby, in the county of Walworth and State of South Dakota.
John B. Long to be postmaster at Kimball, in the county of Brule and State of South Dakota.
John W. Walsh to be postmaster at Montrose, in the county of McCook and State of South Dakota.

TEXAS.

W. G. McClain to be postmaster at Waxahachie, in the county of Ellis and State of Texas.

UTAH.

Adolp Hanson to be postmaster at Ephraim, in the county of Sanpete and State of Utah.

WASHINGTON.

Sarah E. Truax to be postmaster at Tekoa, in the county of Whitman and State of Washington.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 18, 1907.*

The House met at 11 o'clock a. m.
Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.
The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. BURNETT. Mr. Speaker, there is a bill which has been referred to the Committee on Interstate and Foreign Commerce, H. R. 25694. This bill, which was first referred to the Rivers and Harbors Committee, was afterwards introduced by me as a perfected bill by direction of that committee and should go to the Committee on Rivers and Harbors.
The SPEAKER. Without objection, the change of reference will be made.
There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.
The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21579) granting an increase of pension to Sarah R. Harrington.
The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:
S. 275. An act to divide the State of Oregon into two judicial districts.
The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes.
The message also announced that the Senate had passed without amendment bills of the following titles:
H. R. 14361. An act granting an honorable discharge to David Harrington;
H. R. 17875. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce;
H. R. 18924. An act for the relief of George M. Esterly;
H. R. 23284. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets;"
H. R. 24821. An act to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and Georgia;
H. R. 24989. An act to provide for the commutation for townsite purposes of homestead entries in certain portions of Oklahoma;
H. R. 25366. An act to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River, in the State of Mississippi; and
H. R. 25046. An act to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 24538. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908;

H. R. 21194. An act to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.;

H. R. 2326. An act for the relief of J. W. Bauer and others;

H. R. 11153. An act to correct the military record of Robert B. Tubbs;

H. R. 3356. An act to correct the military record of Timothy Lyons;

H. R. 20984. An act to provide for a land district in Valley County, in the State of Montana, to be known as the Glasgow land district;

H. R. 25550. An act confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington;

H. R. 24760. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes;

H. R. 20881. An act granting an increase of pension to Martha J. Weaverling;

H. R. 1778. An act granting a pension to Jefferson L. Jennings;

H. R. 1887. An act granting a pension to Joseph Brooks;

H. R. 5913. An act granting a pension to Helen Goll;

H. R. 8816. An act granting a pension to Mary Schoske;

H. R. 11535. An act granting a pension to Margarette R. Bacon;

H. R. 14777. An act granting a pension to Mary A. Clark;

H. R. 16389. An act granting a pension to Jefferson Wilcox;

H. R. 17204. An act granting a pension to Sarah E. Robey;

H. R. 18968. An act granting a pension to Vance Perkins;

H. R. 19042. An act granting a pension to Georgetta K. Collum;

H. R. 19994. An act granting a pension to Ritty M. Lane;

H. R. 19976. An act granting a pension to Nelson Isbill;

H. R. 20413. An act granting a pension to Eva Louise Eberlin;

H. R. 20577. An act granting a pension to Mary Kaisted;

H. R. 20738. An act granting a pension to Sarah A. Hawkes;

H. R. 21026. An act granting a pension to Delia S. Humphrey;

H. R. 21046. An act granting a pension to Jesse Harral;

H. R. 21175. An act granting a pension to Martin J. Flagstad;

H. R. 22036. An act granting a pension to Emma A. Hawkes;

H. R. 22153. An act granting a pension to Antonio Archuleta;

H. R. 22039. An act granting a pension to Alethia White;

H. R. 22101. An act granting a pension to Mack Rittenberry;

H. R. 22187. An act granting a pension to Hiram C. Jett;

H. R. 22240. An act granting a pension to James M. Ping;

H. R. 22262. An act granting a pension to Elizabeth S. Osborne;

H. R. 22448. An act granting a pension to F. Medora Johnson;

H. R. 20605. An act granting a pension to Mary E. P. Barr;

H. R. 22747. An act granting a pension to Celestia E. Outlaw;

H. R. 22926. An act granting a pension to Louisa Bartlett;

H. R. 23135. An act granting a pension to Roseanna King;

H. R. 23187. An act granting a pension to Jennie E. Luckenbach;

H. R. 23250. An act granting a pension to George A. Mercer;

H. R. 23687. An act granting a pension to Blanche C. Polk;

H. R. 23915. An act granting a pension to William Stegal;

H. R. 24064. An act granting a pension to Mary Murray;

H. R. 21103. An act granting an increase of pension to Jacob Palmer;

H. R. 21111. An act granting an increase of pension to Arthur Graham;

H. R. 21113. An act granting an increase of pension to Emma M. Chamberlin;

H. R. 21115. An act granting an increase of pension to Sylvester Bickford;

H. R. 21118. An act granting an increase of pension to Jacob Hartman;

H. R. 21120. An act granting an increase of pension to John Lynch;

H. R. 21121. An act granting an increase of pension to Marcus Wood;

H. R. 21122. An act granting an increase of pension to Nathan Small;

H. R. 21123. An act granting an increase of pension to Lawrence McHugh;

H. R. 21133. An act granting an increase of pension to James W. Cosgrove;

H. R. 21134. An act granting an increase of pension to Frederick Kriner;

H. R. 21139. An act granting an increase of pension to Willa Fyffe;

H. R. 21157. An act granting an increase of pension to George C. Peek;

H. R. 21161. An act granting an increase of pension to Henry J. Rhodes;

H. R. 21249. An act granting a pension to Minnie Scheele;

H. R. 21268. An act granting a pension to Rollin S. Belknap;

H. R. 21354. An act granting a pension to Mary Shutler;

H. R. 21988. An act granting a pension to Philip Dieter;

H. R. 21769. An act granting a pension to Emma C. Aikin;

H. R. 21246. An act granting a pension to Margaret Guilroy;

H. R. 3507. An act to correct the military record of George H. Keating;

H. R. 22443. An act granting an increase of pension to Lyman S. Strickland;

H. R. 15197. An act to correct the military record of Arthur W. White; and

H. R. 22367. An act for the relief of Patrick Conlin.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 275. An act to divide the State of Oregon into two judicial districts—to the Committee on the Judiciary.

DIVISION OF NEBRASKA INTO TWO JUDICIAL DISTRICTS.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2769) dividing Nebraska into two judicial districts. I ask that the Committee of the Whole be discharged from its consideration, and that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the Committee of the Whole be discharged from the consideration of the bill of which the Clerk will read the title, and that the same be considered in the House at this time.

Mr. NORRIS. I ask unanimous consent also, Mr. Speaker, that the substitute be read instead of the bill.

The Clerk read the substitute, as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the district of Nebraska, who shall reside in said district, and who shall possess the same powers, perform the same duties, and receive the same salary as the present judge of said district.

SEC. 2. That the present district judge in said district and the one appointed under this act shall agree between themselves upon the division of business and assignment of cases for trial in said districts: *Provided, however*, That in case the said two district judges do not agree the senior circuit judge of the eighth circuit shall make all necessary orders for the division of business and the assignment of cases for trial in said district.

SEC. 3. That the regular terms of the circuit and district courts of the United States for said district of Nebraska shall be held at the following times and places, namely: At Omaha, beginning on the fourth Monday in September and the first Monday in April; at Norfolk, beginning on the third Monday in September; at Grand Island, beginning on the second Monday in January; at North Platte, beginning on the first Monday in January; at Chadron, beginning on the second Monday in September; at Lincoln, beginning on the fourth Monday in October and the second Monday in May; at Hastings, beginning on the second Monday in March, and at McCook, beginning on the first Monday in March.

SEC. 4. That special terms of the circuit and district courts may be held in said district whenever such special terms are deemed necessary by the judges thereof, and the time or times of holding such special sessions of said courts shall be fixed by the judges either by rule of said courts or by special order of a judge thereof.

SEC. 5. That for the purpose of holding terms of court in said district of Nebraska said district shall be divided into eight divisions, known as the Omaha division, the Norfolk division, the Grand Island division, the North Platte division, the Chadron division, the Lincoln division, the Hastings division, and the McCook division. The territory comprising the counties of Douglas, Sarpy, Washington, Dodge, Colfax, Platte, Nance, Boone, Wheeler, Burt, Thurston, Dakota, Cuming, Cedar, and Dixon shall constitute the Omaha division, all terms of court for which shall be held in the city of Omaha. The territory comprising the counties of Madison, Antelope, Knox, Pierce, Stanton, Wayne, Holt, Boyd, Rock, Brown, and Keyapaha shall constitute the Norfolk division, all terms of court for which shall be held at the city of Norfolk. The territory comprising the counties of Cherry, Sheridan, Dawes, Boxbutte, and Sioux shall constitute the Chadron division, all terms of court for which shall be held at the city of Chadron. The territory comprising the counties of Hall, Merrick, Howard, Greeley, Garfield, Valley, Sherman, Buffalo, Custer, Loup, Blaine, Thomas, Hooker, and Grant shall constitute the Grand Island division, all terms of court for which shall be held at the city of Grand Island. The territory comprising the counties of Lincoln, Dawson, Logan, McPherson, Keith, Deuel, Cheyenne, Kimball, Banner, and Scotts Bluff shall constitute the North Platte division, all terms of court for which shall be held at the city of North Platte. The territory comprising the

counties of Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, Gage, Lancaster, Saunders, Butler, Seward, Saline, Jefferson, Thayer, Fillmore, York, Polk, and Hamilton shall constitute the Lincoln division, all terms of court for which shall be held at the city of Lincoln. The territory comprising the counties of Clay, Nuckolls, Webster, Adams, Kearney, Franklin, Harlan, and Phelps shall constitute the Hastings division, all terms of court for which shall be held at the city of Hastings. The territory comprising the counties of Gosper, Furnas, Redwillow, Frontier, Hayes, Hitchcock, Dundy, Chase, and Perkins shall constitute the McCook division, all terms of court for which shall be held at the city of McCook: *Provided*, That where provision is made herein for holding court at places where there is no Federal buildings, a suitable room in which to hold court, together with light and heat, shall be provided by the city or county where such court is held without any expense to the United States.

SEC. 6. That the clerks of the circuit and district courts of said district shall appoint deputy clerks at places where court is required to be held in the divisions of said district in which the clerk himself does not reside, who shall keep their offices and reside at the places appointed for the holding of said courts in the division of such residence and who shall keep the records of such courts in such division, and in the absence of the clerk shall exercise all of the official powers of the clerk within the division for which they are appointed: *Provided*, That the appointment of each deputy shall be approved by the court he represents and may be removed by said court at its pleasure. The clerk shall be responsible for the official acts and negligence of his deputies.

SEC. 7. That all civil actions not of a local nature, against a single defendant, must be brought in the division where said defendant resides; but if there are two or more defendants residing in different divisions of said district the plaintiff may sue in any division in which a defendant resides, and all issues arising in such suit shall be tried in such division unless by consent of the parties, with the approval of the court, the case shall be removed to some other division.

SEC. 8. That all civil actions of a local nature at law or in equity shall be brought in the division where the subject-matter of the action is located; and where any such action is properly brought in such division and the defendant resides in a different division in said district from that in which the action is brought, the plaintiff may have original and final process against said defendant directed to the marshal of said district. Any such action, at law or in equity, where the land or other subject-matter lies partly in one division and partly in another within said district, may be brought in any division where any part of the land or other subject-matter of the action is situated.

SEC. 9. That all prosecutions for crimes or offenses committed after the passage of this act shall be cognizable only in the division of the district where the same was committed, unless the court, upon application of the defendant for good cause shown, shall order that the cause be removed for trial to another division of the district, and such application may be made to a court when sitting in any division in said district upon such notice to the prosecution as the court may require.

SEC. 10. That all petit jurors summoned for service in any division shall be residents of such division. At or about the time for the selecting of a petit jury for any term of court in any division, if it shall be made to appear to the satisfaction of a district judge of said district that there is no litigation for trial at such coming term of court in such division in which there are issues triable to a jury, said judge may order that no jury be summoned for said term in said division.

SEC. 11. That unless otherwise ordered by the district court, grand juries in said district shall sit in the Omaha division and the Lincoln division only. The grand jury sitting in the Omaha division shall take cognizance and have jurisdiction of all crimes and offenses committed in the territory comprising the Omaha division, the Norfolk division, the Grand Island division, the North Platte division, and the Chadron division, and such grand jurors shall be drawn from the territory comprising said divisions. The grand jury sitting in the Lincoln division shall take cognizance and have jurisdiction of all crimes and offenses committed in the territory comprising the Lincoln division, the Hastings division, and the McCook division, and such grand jurors shall be drawn from the territory comprising said divisions. The foreman of each grand jury shall indorse upon each indictment found the name of the division in which the crime or offense was committed; and if such crime or offense was committed in any division other than the division in which said grand jury is sitting, the same, together with all process, writs, and recognizances relating thereto, shall be certified and transferred to the division indorsed on such indictment: *Provided*, That a district judge of said district may order the summoning of a grand jury for any term of court in any division of said district, and in such case such grand jury shall be drawn from the territory comprising such division only, and such grand jury shall take cognizance only of crimes and offenses committed in said division.

SEC. 12. That all provisions of this act in any way changing or modifying existing law or procedure shall not apply to crimes and offenses committed prior to the time when the same takes effect, and when necessary to obtain indictments or for the trial of any such crimes and offenses jurors, both grand and petit, shall be selected, drawn, and summoned from the entire district, and such causes shall be commenced and prosecuted in the same manner as if this act had never been passed.

SEC. 13. That from and after the 1st day of July, 1907, the salary of the marshal for the district of Nebraska shall be $4,000 per annum.

SEC. 14. That all laws and parts of laws so far as inconsistent with the provisions of this act are hereby repealed.

SEC. 15. That this act shall take effect from and after its approval by the President.

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill was ordered to be read a third time; was read the third time, and passed.

The title was amended.

On motion of Mr. NORRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

IMMIGRATION.

Mr. BENNET of New York. Mr. Speaker, I call up the conference report on the bill S. 4403, and ask unanimous consent that the statement be read instead of the report.

The SPEAKER. The gentleman from New York asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. BURNETT. Mr. Speaker, I desire to reserve all points of order.

The SPEAKER. Points of order if made at all, unless by unanimous consent, must be made now. Is there objection to the reading of the statement instead of the report?

Mr. WILLIAMS. I think, Mr. Speaker, I shall have to object to that; I would rather hear the report read.

The SPEAKER. The Chair will state to the gentleman from Alabama, who desired to reserve points of order, that it is the impression of the Chair that the point of order, if any is made, is in time after the report is read; but if the gentleman desires, out of abundant caution, he may reserve at this time points of order.

Mr. BURNETT. I desire to reserve a point of order against the incorporation of the matter——

The SPEAKER. The gentleman can make it at all points.

Mr. BURNETT. I reserve all points of order at this time.

The SPEAKER. The gentleman from Mississippi desires the report to be read rather than the statement. Let it be read.

Mr. BARTHOLDT. Mr. Speaker, I desire to reserve a special point of order against section 42.

The SPEAKER. All points of order are reserved. The proper time to reserve points of order, as the Chair is informed, on conference reports is after the conference report is read and before the statement is read. The Clerk will read the report.

The Clerk read the report and statement as follows:

The committee of conference on the disagreeing votes of the two Houses to the bill (S. 4403) entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March third, nineteen hundred and three," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

An act entitled "An act to regulate the immigration of aliens into the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a tax of four dollars for every alien entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States. The money thus collected, together with all fines and rentals collected under the laws regulating the immigration of aliens into the United States, shall be paid into the Treasury of the United States and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under said laws, including the contract labor laws, the cost of reports of decisions of the Federal courts, and digest thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed to enforce said laws. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied upon aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor upon otherwise admissible residents of any possession of the United States, nor upon aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section thirty-two of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided fur-*

ther. That if in any fiscal year the amount of money collected under the provisions of this section shall exceed two million five hundred thousand dollars, the excess above that amount shall not be added to the "immigrant fund:" *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American continent, the provisions of this section shall apply: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States:

All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars, persons afflicted with tuberculosis, or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under sixteen years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

SEC. 3. That the importation into the United States of any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import or attempt to import into the United States any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, or whoever shall hold or attempt to hold any alien woman or girl for any such purpose in pursuance of such illegal importation, or whoever shall keep, maintain, control, support, or harbor in any house or other place, for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl, within three years after she shall have entered the United States, shall, in every such case, be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than five thousand dollars; and any alien woman or girl who shall be found an inmate of a house of prostitution or practicing prostitution, at any time within three years after she shall have entered the United States, shall be deemed to be unlawfully within the United States and shall be deported as provided by sections twenty and twenty-one of this act.

SEC. 4. That it shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisos contained in section two of this act.

SEC. 5. That for every violation of any of the provisions of section four of this act the persons, partnership, company, or corporation violating the same by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

SEC. 6. That it shall be unlawful and be deemed a violation of section four of this act to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under promise or agreement as contemplated in section two of this act, and the penalties imposed by section five of this act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels or others engaged in transporting aliens into the United States shall, directly or indirectly, either by writing, printing, or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States, but this shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company, and any such owner or owners of vessels, and all others engaged in transporting aliens into the United States, and the agents by them employed, shall be severally subjected to the penalties imposed by section five of this act.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, for each and every alien so landed or brought in or attempted to be landed or brought in.

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of cus-

toms of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

SEC. 10. That the decision of the board of special inquiry hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this act.

SEC. 11. That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the name and address of the nearest relative in the country from which the alien came; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause; that it shall further be the duty of the master or commanding officer of every vessel taking alien passengers out of the United States, from any port thereof, to file before departure therefrom with the collector of customs of such port a complete list of all such alien passengers taken on board. Such list shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the collector of customs at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each alien taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section fifteen of this act. That the collector of customs with whom any such list has been deposited in accordance with the provisions of this section shall promptly notify the Commissioner-General of Immigration that such list has been deposited with him as provided, and shall make such further disposition thereof as may be required by regulations to be issued by the Commissioner-General of Immigration with the approval of the Secretary of Commerce and Labor: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of the master or commanding officer of any vessel sailing from ports in the Philippine Islands, Guam, Porto Rico, or Hawaii to any port of the United States on the North American Continent to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation, giving the names of all aliens on board said vessel.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or imbecile, or a feeble-minded person, or insane person, or a pauper, or is likely to become a public charge, or is afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or is a person who has been convicted of or who admits having committed a felony or other crime or misdemeanor involving moral turpitude, or is a polygamist, or one admitting belief in the practice of polygamy, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, or a woman or girl coming to the United States for the purpose of prostitution or for any other immoral purpose, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof, as required in sections twelve, thirteen, and fourteen of this act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid: *Provided*, That in the case of failure without good cause to deliver the list of passengers required by section twelve of this act from the master or commanding officer of every vessel taking alien passengers out of the United States, the penalty shall be paid to the collector of customs at the port of departure and shall be a fine of ten dollars for each alien not included in said list; but in no case shall the aggregate fine exceed one hundred dollars.

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of incoming aliens provided for in sections twelve, thirteen, and fourteen of this act, it shall be the duty of said officers to go or to send competent assistants to the vessel to which said lists or manifests refer and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United

States Public Health and Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Public Health and Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner-General of Immigration under the direction or with the approval of the Secretary of Commerce and Labor. The United States Public Health and Marine-Hospital Service shall be reimbursed by the immigration service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Commerce and Labor.

SEC. 18. That it shall be the duty of the owners, officers, or agents of any vessel or transportation line, other than those railway lines which may enter into a contract as provided in section thirty-two of this act, bringing an alien to the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the negligent failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than one hundred nor more than one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported as provided in sections twenty and twenty-one of this act.

SEC. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner-General of Immigration, the deportation of any alien found to have come in violation of any provision of this act, if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section seventeen of this act, to be suffering from tuberculosis or from a loathsome or dangerous contagious disease other than one of quarantinable nature shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided*, That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the "immigrant fund," be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported.

SEC. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the "immigrant fund" provided for in section one of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessel or transportation line by which such aliens respectively came: *Provided*, That pending the final disposal of the case of any alien so taken into custody, he may be released under a bond in the penalty of not less than five hundred dollars, with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

SEC. 21. That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to deportation under the provisions of this act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section twenty of this act, and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section nineteen of this act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner.

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons, in accordance with the provisions of section seventeen, for service in foreign countries.

SEC. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor.

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw from the "immigrant fund" annually fifty thousand dollars, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing

officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered under the provisions of this act who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the commissioner of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep a complete, permanent record of their proceedings and of all such testimony as may be produced before them, and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal, through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry: *Provided*, That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor; but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section ten of this act.

SEC. 26. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis, or a loathsome or dangerous contagious disease, may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary, in such amount and containing such conditions as he may prescribe, to the people of the United States, holding the United States or any State, Territory, county, municipality, or district thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, or municipality in which such alien becomes a public charge.

SEC. 27. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 28. That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act.

SEC. 30. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the Treasury of the United States to the credit of the "immigrant fund" provided for in section one of this act.

SEC. 31. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose.

SEC. 33. That for the purpose of this act the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: *Provided*, That if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

SEC. 34. That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may appoint a commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at their respective posts.

SEC. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

SEC. 36. That all aliens who shall enter the United States except at the seaports thereof, or at such place or places as the Secretary of Commerce and Labor may from time to time designate, shall be adjudged to have entered the country unlawfully, and shall be deported as provided by sections twenty and twenty-one of this act: *Provided*, That nothing contained in this section shall affect the power conferred by section thirty-two of this act upon the Commissioner-General of Immigration to prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico.

SEC. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is

easily curable, or that they can be permitted to land without danger to other persons, they shall, if otherwise admissible, thereupon be admitted.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe. That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor shall be fined not more than five thousand dollars, or imprisoned for not more than five years, or both.

SEC. 39. That a commission is hereby created, consisting of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three persons to be appointed by the President of the United States. Said commission shall make full inquiry, examination, and investigation by subcommittee or otherwise into the subject of immigration. For the purpose of said inquiry, examination, and investigation, said commission is authorized to send for persons and papers, make all necessary travel, either in the United States or any foreign country, and, through the chairman of the commission or any member thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance. Said commission shall report to the Congress the conclusions reached by it and make such recommendations as in its judgment may seem proper. Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby appropriated and authorized to be paid out of the "immigrant fund" on the certificate of the chairman of said commission, including all expenses of the commissioners and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not Members of Congress; and the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

SEC. 40. Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens who may ask for such information at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner-General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station, such agents shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

SEC. 41. That nothing in this act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests.

SEC. 42. That it shall not be lawful for the master of a steamship or other vessel whereon immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein eighteen clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and twenty clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: *Provided*, That if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of the side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of passengers on that deck than in the proportion of one passenger to every thirty clear superficial feet thereof. It shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow one hundred and ten cubic feet for each and every passenger brought therein. And such passengers shall not be carried or brought in any between decks, nor in any compartment, space, poop, or deck house, the height of which from deck to deck is less than six feet. In computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in any such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinbefore prescribed, the said master shall be fined fifty dollars for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

This section shall take effect on January first, nineteen hundred and nine.

SEC. 43. That the act of March third, nineteen hundred and three, being an act to regulate the immigration of aliens into the United States, except section thirty-four thereof, and the act of March twenty-second, nineteen hundred and four, being an act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section six, chapter four hundred and fifty-three, third session Fifty-eighth Congress, approved February sixth, nineteen hundred and five, or, prior to January first, nineteen hundred and nine, section one of the act approved August second, eighteen hundred and eighty-two, entitled "An act to regulate the carriage of passengers by sea."

SEC. 44. That this act shall take effect and be enforced from and after July first, nineteen hundred and seven: *Provided, however*, That section thirty-nine of this act and the last proviso of section one shall take effect upon the passage of this act and section forty-two on January first, nineteen hundred and nine.

WILLIAM P. DILLINGHAM,
H. C. LODGE,
A. J. MCLAURIN,
Managers on the part of the Senate.

BENJ. F. HOWELL,
WILLIAM S. BENNET,
Managers on the part of the House.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the Senate bill (S. 4403) regulating the immigration of aliens submit the following detailed statement in explanation of the effect agreed upon and recommended in the conference report:

The Senate having stricken out the entire House amendment, which in its turn had stricken out the entire Senate bill, the whole subject of immigration came before the conference committee.

The principle questions of difference were, first, the form of the bill; on this the Senate receded. Second, the educational test; on this the Senate receded. Third, the so-called "Littauer amendment;" on this the House receded. Fourth, the amount of the head tax, the Senate bill providing for $5 and the House bill providing for $2; the amount is fixed in the bill at $4. Fifth, the appointment of an investigating commission; on this the Senate agreed, with an amendment.

Two entirely new features were added in conference—one, a provision at the end of section 1, is as follows: "*Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone;" the other, to take effect January 1, 1909, proposes air space in steamers as follows: "On main deck, or deck next below the main deck, 18 clear superficial feet of deck, and on the second deck below the main deck, 20 clear superficial feet of deck for each passenger."

The amendment further provides that if the lower deck be less than 7 feet in height, or if the apertures through which light and air are admitted to the lower passenger deck are less in size than in the proportion of 3 square feet to every 100 superficial feet on that deck, then the deck space for each passenger shall be 30 clear superficial feet.

The proposed increase may be shown by the following minimum cubic feet (7 feet between decks):

	Cubic feet.
Present law:	
Main deck or first deck below	100
Second deck below	120
Proposed amendment:	
Main deck or first deck below	126
Second deck below	140
Less than 7 feet between deck, second deck below	120
Proposed amendment, second deck below, about	180

BENJ. F. HOWELL,
WILLIAM S. BENNET,
Managers on the part of the House.

Mr. BENNET of New York. Mr. Speaker, I move the adoption of the conference report.

Mr. BURNETT rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. BURNETT. To make a point of order against two clauses in the bill. I make a point of order against the entire conference report, but I desire to address my remarks against two clauses. I desire to make a point of order against the proviso at the end of section 1.

The SPEAKER. Let us get one at a time.

Mr. BURNETT. At the end of section 1, page 17 of the report——

The SPEAKER. Has the gentleman report No. 7607?

Mr. BURNETT. I have Senate Document 318.

The SPEAKER. Has the gentleman in his hand the Senate report or the House report?

Mr. BURNETT. Senate report No. 318.

The SPEAKER. After all, why not take report No. 7607, the House report?

Mr. BURNETT. If I can get that, I do not care. I address myself to this language, and I will read the language.

The SPEAKER. The Chair desires to locate so as to see what the gentleman's point is. The Chair has the House report.

Mr. BURNETT. The House report or the Senate?

The SPEAKER. The House conference report No. 7607.

Mr. BURNETT. On page 2 of the House report, at the end of section 1——

The SPEAKER. Will the gentleman read?

Mr. BURNETT. The language is as follows:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

That is the language. Then my point is against section 42, on page 15. [Reading:]

SEC. 42. It shall not be lawful for the master of a steamship or other vessel wherein immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion——

Mr. BENNET of New York. Will the gentleman yield for an inquiry?

Mr. BURNETT. Yes, when I conclude the reading.

Mr. BENNET of New York. I thought perhaps I could save the reading. Does my colleague make the point of order against the whole of section 42?

Mr. BURNETT. Yes.

Mr. BENNET of New York. Then, is there any necessity for reading it?

Mr. BURNETT (reading):

(ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein 18 clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and 20 clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: *Provided*, That if the height between the lower passenger deck and the deck immediately above it is less than 7 feet, or if the apertures (exclusive of the side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of 3 square feet to every 100 superficial feet of that deck, the ship shall not carry a greater number of passengers on that deck than in the proportion of one passenger to every 30 clear superficial feet thereof. It shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow 110 cubic feet for each and every passenger brought therein. And such passengers shall not be carried or brought in any between decks, nor in any compartment, space, poop, or deck house the height of which from deck to deck is less than 6 feet. In computing the number of such passengers carried or brought in any vessel, children under 1 year of age shall not be included, and two children between 1 and 8 years of age shall be counted as one passenger; and any person brought in any such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinbefore prescribed, the said master shall be fined $50 for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

Now, Mr. Speaker, the point that I think is involved in that is both of these sections contain new matter and not matter which was referred to the conference committee. Now, I refer the Chair to page 429 of the Rules to this language, "The managers of a conference must confine themselves strictly to the differences committed to them." Now, I respectfully submit that you may search all the bills upon which action was taken, and the matter referred to this conference committee, and you will not find where those two matters were ever referred to

them. In the first place, section 42, I understand, is an amendment that should be included in the navigation laws, and it is an attempt to engraft upon an immigration bill matter that belongs to the navigation laws and is no part of the matter submitted to these conferees. Now, further along on the same page of the Rules it says, "A conference committee may not include in its report new items even though germane to questions in issue." "By concurrent resolution conferees are sometimes authorized to include in their reports subjects not at issue between the two Houses." That suggests, Mr. Speaker, the manner in which it might be gotten at in order to have free discussion in regard to it. There is a rule laid down as to how it may be done—by concurrent resolution. Now, I do not say these are not proper provisions if properly brought in. I do not believe there is a Member in this House on this side, Mr. Speaker, who will say that Japanese cooly laborers ought to be brought in, but we do not believe, Mr. Speaker, that the President ought to be able to hold a big stick over a sovereign State and that we should engraft such a law as this on an immigration bill. That is exactly my view in regard to it. The same is true in regard to the other provisions, if it is properly brought in by an amendment to the navigation laws, Mr. Speaker, and I expect there would be but few Members on this side of the House objecting to section 42, but there is an orderly way of doing these things, and the rules prescribe that orderly way. The Speaker and the Committee on Rules, if they want to proceed in an orderly way, can have this done in such a way. This looks like a law passed in this way in order to give the President the whip hand, a big stick, to hold over the States in order to force them to do things which under their constitutional prerogatives he could not otherwise force them to do.

Now, he can say this: "If you do not let the Japanese into your schools there, I will exercise the prerogative given by that proviso and I will let these men indiscriminately in. If you do what I say in regard to it, then under the authority that is given to me by that proviso to section 1 I will exclude them." And in that way, Mr. Speaker, we have a matter of coercion by the President ingrafted, as we believe, in the bill in that proviso.

Mr. BENNET of New York. Mr. Speaker, very briefly on the point of order. This bill is a Senate bill, and in the House the entire Senate bill was stricken out—that is, everything except the enacting clause, and but one amendment inserted by the House. That amendment constituted an entire code of immigration law, and was so considered by the House. The Senate disagreed to the entire House bill. Differing from ordinary rules as to conferences this, according to long precedent, threw the entire subject of the regulation of immigration into disagreement. The two sections as to which my colleague on the committee has made the point of order are the labor-conditions proviso at the end of section 1, and the air-space provision, known as section 42. Not only are both of these provisions germane——

Mr. BURNETT. May I interrupt the gentleman?

Mr. BENNET of New York. Certainly.

Mr. BURNETT. The point of order is against the report. The remarks that I made were against the provisions there, because I thought they were new matter.

Mr. BENNET of New York. I understand that portion. But it is because of these two sections. Now, as to the labor-conditions provision which the gentleman has read, and which I will not reread, not only was that germane to the subject of immigration, relating as it did entirely to immigrants, but it was germane to provisions already in the bill. For in section 2 the House, and Senate also, had regulated labor as related to contract labor, and in sections 4 and 6 of the House bill there had been provisions relative to contract labor. So that not only under the rules making such matters as this permissible, when the whole subject is thrown into disagreement, is this amendment in order, but it is in order because it is germane to provisions already in the bill. Now, as to section 42, known as the "air-space provision," there have been three laws prior to this, that I now recall, relating to immigration. Each of these bills carried provisions regulating steamship companies with reference to immigration, and this very bill when it passed the House contained four sections so doing.

The SPEAKER. Were the measures that the gentleman now refers to enacted into law?

Mr. BENNET of New York. Yes, sir; in 1891, 1893, and 1903.

The SPEAKER. And are they part of the law which the House provision repeals?

Mr. BENNET of New York. Absolutely.

The SPEAKER. And did repeal; and to which the Senate disagreed?

Mr. BENNET of New York. Absolutely. And in this very bill there are restrictions on steamship companies in sections 12, 13, 14, 15, and 16 that I now recall. And it is certainly within the purview of the bill regulating immigration to regulate it on board the steamship which brings the immigrants to our shores. And not only does it come within that rule, but I have already shown by citations from the act it is similar to legislation already in the bill to which the Senate disagreed, and which therefore was thrown into disagreement and as to which the conferees had the right to act.

Mr. WILLIAMS. Mr. Speaker, there are no two more familiar principles than these: First, that a conference committee can not legislate; secondly, that conferees can not take up for settlement any matter which does not form a matter of disagreement between the two Houses. This proviso to section 1 was not put in to settle a matter of disagreement between the two Houses upon the subject-matter of the proviso, because there was nothing in either bill upon the subject-matter and no disagreement between the two Houses concerning it. Section 42, although excellent legislation in itself—that is, section 42 of the conference report—is entirely new matter to both bills, the Senate bill and the House bill, and did not constitute in its subject-matter any point of disagreement between the two Houses.

Now, Mr. Speaker, there are very few legislative bodies anywhere among self-governing people which have conference committees at all. One of the most dangerous powers is that which is conferred upon conference committees. Speaker after Speaker of this House has ruled that that power must be exercised in strict conformity with the rules of the House; otherwise, Mr. Speaker, after one House has acted and another House has acted a third House substantially can legislate for the country, when for the most part the Members of the House may have taken their eyes off the subject-matter as a matter of peculiarly pending study, and especially when, as very frequently happens, it is at the end of the session.

I want to read a few words of wisdom upon that subject from a distinguished Speaker of this House. I read from the Journal of the first session of the Fifty-second Congress upon a point like this:

> There are but few countries, as the Chair now recalls, that have conference committees in their national legislative bodies; certainly none that have perfected them as we have in the United States. It is one of the vital instrumentalities in bringing the two Houses together and securing joint legislation. But there must be no abuse of that power. It will not do to allow matters not in contemplation by the two Houses that are foreign to the questions being considered.

I ask the Speaker's particular attention to the language. I am reading from page 701 of the Journal of the first session of the Fifty-seventh Congress.

The SPEAKER. The gentleman now refers to the decision by Speaker Henderson?

Mr. WILLIAMS. Yes.

The SPEAKER. The Chair's recollection of that decision is that it was on the omnibus claims bill?

Mr. WILLIAMS. That is right.

The SPEAKER Putting in certain matter?

Mr. WILLIAMS. The conferees put in certain matter.

The SPEAKER. And the Senate, in an amendment to the bill, put certain other matter in?

Mr. WILLIAMS. Yes.

The SPEAKER. Each distinct from the other?

Mr. WILLIAMS. Yes.

The SPEAKER. And when the conferees met they put items in the conference report that never were considered by either House or Senate?

Mr. WILLIAMS. That is right.

The SPEAKER. Charges on the Treasury?

Mr. WILLIAMS. That is right. What I am calling the attention of the Chair to is——

The SPEAKER. Does the gentleman think that that authority or decision is in point here?

Mr. WILLIAMS. There may be some difference of opinion, Mr. Speaker, as to how far the language of this decision was obiter dictum as to the case then under consideration, but there is no difference as to the application of the decision to this case. If the Speaker will do me the honor to listen. Now, Mr. Speaker, I do not believe that it is obiter dictum as applicable to the case now in hand, because it is like the other in this. The gentleman from Pennsylvania [Mr. MAHON] made the argument that the entire question of claims was thrown into conference between the two Houses, and that when our House put on a claim, the Senate another and different claim, then the conferees put on still another, it was all right, which was a totally indefensible position. Now here, as I understand it, the position is taken that the entire matter of immigration was thrown

into conference because the House struck out all of the Senate bill after the enacting clause and substantially put in a new bill. Now, it is applicable in this far: In so far as the House bill, after striking out the Senate bill, all after the enacting clause, put in matters which constituted matters of difference between the Houses. In that far this conference has a broader authority than others usually have; but in so far as neither House in either bill had any difference outstanding upon any particular subject-matter, and, indeed, no expression of any sort even, then in that far that particular subject-matter can not be a matter of conference or difference by the conferees. It is not only not a matter of difference, but until the conferees expressed themselves, a matter of legislative nonexistence. I ask the Speaker now to listen to the breadth of this language:

It will not do to allow matters not in contemplation by the two Houses—

This matter was not "in contemplation" by the two Houses. It was something put in to prevent an embroilment in our foreign affairs that neither House had theretofore considered, because nonexistent.

I continue to read:

It will not do to allow matters not in contemplation by the two Houses, that are foreign to the questions being considered, to be inserted by the conference committee.

Now, while the Chair believes that the conference committe is a great instrumentality to bring the two Houses together, still the Chair would be very loath to open the door to allow any conference committe to usurp the prerogatives of either House; and while he has examined with care the several decisions, the weight of authority is in the line of his own feelings on this question.

Now, Mr. Speaker, the point that I am making just at this moment is that this matter of the power of a conference committee is a source of great danger and that in it lies the possibility of great abuse, and that the power of a conference committee ought always to be strictly scrutinized and strictly construed in every respect.

Now, what do we find before us, Mr. Speaker? Why, even by Republican admission here and in the Senate there goes to the two Houses the subject-matter of immigration. After the two Houses have passed a bill, there arises upon the Pacific slope a question about mixed schools there. This becomes an international question, Japan and the United States being the parties. Neither House had considered it. There arises in connection with that question also a question as to Japanese and others having passports to land in Hawaii and the Philippines landing in continental America. Neither House had considered it. It had not formed a part of either bill. Here is a sudden contingency arising, and instead of the two Houses dealing with it a conference committee reports to the two Houses, and in its report undertakes to deal with the question before either House has a chance to be consulted or to have an opportunity for deliberation.

Now, Mr. Speaker, I stand with the State of California, as far as I am concerned, no matter where her delegation may stand, in opposition to mixed schools. [Applause.] I stand with Californians in favor of the proposition that we want a homogeneous and assimilable population of white people in this Republic [applause]; that we do not want unassimilable and alien races. And I do not base my opinion, so far as the Japanese are concerned, upon the ground that they are an inferior race, but simply upon the ground that they are different and unassimilable, and that it is contrary to the best interests of the Republic——

The SPEAKER. The gentleman will please confine himself to the discussion of the point of order.

Mr. WILLIAMS. Mr. Speaker, I am trying to show the gravity of the question, and therefore the danger of the exercise of this power by a mere conference committee.

The SPEAKER. Questions of order ought not to be decided by differences that may be partisan or otherwise. The question is a very plain proposition, and the argument is addressed to the Chair, and not to the House, primarily.

Mr. WILLIAMS. Mr. Speaker, I have just announced to the Chair—and of course if the Chair differs with me I shall not continue any further on that line—that in reading the decision of Speaker Henderson I have called attention to the gravity and the novelty of this power in the American National Legislature vested in conferees. I was trying just to illustrate, to carry further, to emphasize, and to reenforce those remarks of Speaker Henderson by showing that in this special case it was still more gravely dangerous to allow conferees to legislate.

The SPEAKER. The Chair was giving very close attention to the gentleman from Mississippi.

Mr. WILLIAMS. Now, Mr. Speaker, I read again from the Parliamentary Precedents of the House of Representatives, by our friend Mr. Hinds, who upon a celebrated occasion was admitted by the Speaker and myself to be superior to either one of us as a repository of parliamentary information. I read from page 742, section 1414:

Conferees may not include in their report matters not committed to them by either House.

On June 23, 1812, Mr. Robert Wright, of Maryland, from the managers appointed on the part of the House to attend a conference with the managers on the part of the Senate upon the subject-matter of the disagreeing votes of the two Houses on the amendments of the Senate to the bill for the more perfect organization of the infantry of the Army of the United States, made a report which was read, and declared by the Speaker to be out of order, inasmuch as the conferees had discussed and proposed amendments which had not been committed to them by either of the two Houses.

Now, that is the point. It is not the point of germaneness to the subject-matter, but the point, as is so well said in these lines, is a question of what has been committed to the conferees in the language and substance of the bill as a matter of difference between the two Houses. There was no matter of difference between the two Houses with regard to this proviso to section 1. There was also no matter of difference betweeen the two Houses with regard to section 42, for the simple reason that there can not be a matter of difference with regard to a subject-matter when the subject-matter itself did not enter into either bill.

I read again:

The managers and conferees must confine themselves strictly to the differences submitted to them. (2d sess. 58th Cong., Journal, p. 404.)

"Strictly" is the word used.

By concurrent resolution conferees are sometimes permitted to include in the report subjects not at issue.

The converse therefore is that never in any other manner is the committee to consider subjects "not at issue;" whether these matters be germane or not, they must be subjects at issue, they must constitute points of difference between the two Houses; because the jurisdictional question to be considered by conferees, or by the conference committee, is this: Upon this particular point is there any disagreement between the two Houses? If there be none, no matter how germane the matter may be to the general principles of the bill, no matter how good the legislation itself may be, it is not within the jurisdiction of conferees.

Now, Mr. Speaker, some other things I had intended to say right now, but perhaps I may obtain an opportunity to say them later, because I understand the Speaker to rule that I can not now emphasize and reenforce the gravity of this particular racial and school question by describing what it is. If the Chair takes that position, I must obey the power of the Chair and the wisdom of the Chair and postpone until a later time the opportunity to say why this particular question of all questions should not be one to be dealt with by a conference committee when there is no point of disagreement between the two Houses. [Applause.]

Mr. WATSON. Mr. Speaker, as I understand it, the question of parliamentary law is to be decided by precedents and by principle. The general merits of the proposition involved are not subject to discussion at this time, and I shall therefore confine myself to the matter that is legitimately at issue in the question presented. The gentleman from Mississippi has just read from the work of Mr. Hinds on Parliamentary Precedents, and he read section 1414. If he had only turned one more page, he would have found a precedent entirely on all fours with this one, presented to the Speaker at that time. I refer to the decision found on page 745, section 1420. The difference between the precedent, or the supposed precedent, cited by the gentleman from Mississippi and the real precedent in this case is that when the Senate bill on immigration came to this House the Committee on Immigration of the House of Representatives did not amend that bill in the ordinary way, but struck out all of the Senate bill and inserted by way of an amendment an entire substitute, wholly unlike the Senate bill which went to the Committee on Immigration.

Now, Mr. Speaker, the House passed that substitute with only one amendment. That went back to the Senate, and the Senate did not concur. The matter was placed in conference. Therefore, when the matter went to the conferees there was not a single proposition upon which the Senate and the House had agreed. What, therefore, was necessarily the condition when it got into conference? The only thing that the conferees had before them was the subject-matter, but there was not a single line, there was not a single sentence, upon which the House and the Senate had agreed.

Therefore the whole subject-matter was before the conference committee, and it was clearly within the power of the conference committee to bring back any report on that subject-matter, whether it corresponded to what the Senate had in its original bill or what the House had in the substitute sent back to the

House from its Committee on Immigration. What is the precedent, Mr. Speaker, and with that I shall be content? "On March 3, 1865, Mr. Robert C. Schenck, of Ohio, from the committee on conference on the disagreeing votes of the two Houses on House bill 51, entitled 'An act to establish a bureau of freedmen's affairs,' reported that the Senate had receded from their amendment, which was a substitute, and the committee had agreed upon, as a substitute, a new bill, entitled 'An act to establish a bureau for the relief of freedmen and refugees.'" The Speaker will notice, a substitute, not the original proposition amended, but the original proposition stricken out and another new proposition brought in. "As soon as the report had been read Mr. William S. Holman, of Indiana, made the point that the report did not come within the scope of the conference committee. It did not report the proceedings of the Senate or an agreement by the committee on amendment to the Senate's amendment to the House bill, but it reported an entire substitute for both original bills and the substitute adopted by the Senate, and it established a department unprovided for by either of the other bills." Just precisely on all fours with this case.

Mr. WILLIAMS. Does the gentleman think it is?

Mr. WATSON. Why, I know it is; I do not think anything about it.

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. WATSON. Certainly.

Mr. WILLIAMS. Does the gentleman think that there is not in the present Senate bill any subject-matter that comes into agreement with any of the provisions of the House bill we are now considering, and yet that was the fact stated by the Speaker in regard to the matter which he is now quoting?

Mr. WATSON. The precedent I am citing has to do only with the subject-matter. That is all this Committee on Immigration had to do with—the subject-matter. It is not the bill that the Senate and House had passed, but an entire substitute for the original Senate bill, just as in the case cited. What is the ruling of the Speaker in that case, which I hold to be entirely on all fours with the existing proposition? The Speaker said: "The Chair understands that the Senate adopted a substitute for the House bill," precisely what occurred in this case. "If the two Houses had agreed upon any particular language or any part of a section the committee of conference could not change that; but the Senate, having stricken out the bill of the House and inserted another one, the committee of conference had the right to strike out that and report a substitute in its stead. Two separate bills have been referred to the committee, and they can take either one of them, or a new bill entirely, or a bill embracing parts of either." There is the decision. Two separate bills, the Senate bill and the House bill, having been referred to the conference committee, the conference committee can take either the Senate bill or the House bill or neither, and the conferees report an entirely new proposition not embraced in either one of the propositions referred to the committee. What else? "They have a right to report any bill that is germane to the bills referred to them."

Now, Mr. Speaker, it was clearly within the power of this conference committee on immigration to report back the Senate bill, to report back the House bill, to report back an entirely new bill, just so it was germane to the question of immigration, and inasmuch as they have done that thing, they have not exceeded their authority, and their report is entirely within the rules of this House. [Applause.]

Mr. JONES of Washington. Who was the Speaker who rendered that decision?

Mr. WATSON. Schuyler Colfax, of Indiana.

Mr. BURNETT. Will the gentleman yield for a question?

Mr. WATSON. Certainly.

Mr. BURNETT. According to the argument of the gentleman, does the gentleman think that the committee could bring in a bill repealing the Chinese-exclusion act?

Mr. WATSON. How is that?

Mr. BURNETT. Does the gentleman think this committee on conference could have brought in a bill repealing the Chinese-exclusion act and substituting it for it?

Mr. WATSON. I understand from my friend that is specifically in the bill.

Mr. BENNET of New York. Mr. Speaker, answering my colleague on the committee, I would say that if he will turn to section 42 of the House bill he will find that the subject of the Chinese-exclusion matter is specifically referred to in the bill. So that would come in.

Mr. BURNETT. I will repeat my question, then, to the gentleman. That emphasizes it again. With that in there, does the gentleman think this committee could have come in and offered to report a substitute to the bill, repealing the Chinese-exclusion act?

Mr. WATSON. I think that any bill might have been reported by the conference committee germane to the subject of immigration under this decision.

Mr. BURNETT. I will ask the gentleman not to dodge the question, but to answer it.

The SPEAKER. The Chinese-exclusion act in the repealing clause is especially excepted.

Mr. WILLIAMS. What was that?

The SPEAKER. In the repealing clause of the House substitute the Chinese-exclusion act is specially excepted.

Mr. BURNETT. Suppose it would not?

The SPEAKER. What is the use of guessing about what might, could, would, should, or ought not to be? The Chair is prepared to rule, although the Chair will hear, briefly, the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. The position taken by the gentleman from Indiana [Mr. WATSON], if I understand it correctly, is the position that was taken by the senior Senator from Massachusetts in the United States Senate on Saturday, to wit, that where one House passes a complete statute and another House a completely different statute, but "on the same subject-matter," the conferees may bring in anything touching the subject-matter of the two bills.

Now, granting for the sake of argument the soundness of that position for the present, and I grant it only for the sake of argument, I contend that this question does not come within the purview even of that opinion, because, Mr. Speaker, these matters in this proviso and in this section are not a part of the subject-matter of either one of these two bills, hitherto passed by the Senate and the House. There was no such subject-matter as vesting the regulation of immigration in the Executive, instead of prescribing it by the legislative, in either bill.

Now, Mr. Speaker, the Senator—and I am quoting from the CONGRESSIONAL RECORD of February 16, 1907—goes on to say some things that are a little curious, coming from that side of the Capitol and relating to affairs on this side, I think. He says:

I read from the RECORD of January 16 remarks of Senator LODGE, of Massachusetts.

I may say that very early in our conferences I thought it best to take the opinion of the Speaker of the other House as to the general powers of conferees in the conditions which then arose. I have no right to quote, and shall not, a private conversation, but on a parliamentary matter I think I am at liberty to say that the conferees, in their interpretation of the situation, did not go beyond the views and opinion of the Speaker of the other House, who is recognized as one of the great parliamentarians of the country.

The Senator from Massachusetts consulted a yet higher parliamentary authority, for a little later the Senator said:

In my judgment, Mr. President, the conferees had a right to make the addition with which fault is now found. I am informed to-day—and I venture to quote it that I may not be supposed to be advancing something which only a member of the conference would be supposed to hold—I am informed to-day that the man whom I consider, and whom I think all consider who have examined his books, to be the greatest parliamentary expert living as to the parliamentary law of the Congress of the United States, Mr. Hinds, clerk at the Speaker's table, pronounced both these amendments to be entirely germane and within the power of the conferees.

I thought I would refer to that as a sort of an excuse for myself, because if the Speaker and the Senator from Massachusetts had had an understanding upon this question before it was presented to the House of Representatives it would seem that I have been engaged, while trying to prevail on the Speaker to open the case for a rehearing, in quite a superfluous piece of work. [Laughter.]

The SPEAKER. The Chair is prepared to rule. [Laughter.]

The Senate during the last session passed an act entitled "An act to amend an act entitled 'An act to regulate the immigration of aliens into the United States,'" etc.

This Senate bill was broad in its provisions and substantially amended the immigration laws then in force. It was very general in its nature, as will be found upon examination. The bill came to the House. The House struck out all of the Senate bill after the enacting clause, by way of amendment, and passed a substitute therefor. So that the House entirely disagreed with every line, with every paragraph, with every section of the Senate bill—everything except the enacting clause—and proposed a substitute therefor, and this substitute on examination is found to be a complete codification and amendment of existing immigration laws, and incidentally the labor laws connected therewith, especially those dealing with contract labor, and with many other questions to which it is not necessary to refer. And in the final clause of the House substitute there is the provision:

That the act of March 3, 1903, being an act to regulate the immigration of aliens into the United States, except section 34 thereof, and

the act of March 22, 1904, being an act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all acts and parts of acts inconsistent with this act are hereby repealed.

Provided, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons, etc.

So that not only does the House by its substitute amendment codify and amend all the laws touching immigration, but incidentally changes those relating to labor, especially contract labor. The House substitute is found to be abounding in section after section with the prohibition of contract labor in connection with immigration, and with various other provisions of a similar nature.

The House substitute, by way of amendment, went to the Senate. The Senate disagreed to every line, paragraph, and section of the House provision; and with that disagreement to the Senate provision, and with the House provision in effect a disagreement to the original Senate bill, the whole matter went to conference. That is, by this action there was committed to conference the whole subject of immigration, and, as connected therewith, the prohibition of immigration by way of contract labor in the fullest sense of the words.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I feel as if it were a trespass, but would the Speaker allow me to ask him a question there?

This taking the whole subject-matter of immigration to be thrown into the conference, was it not a subject-matter of legislation by Congress, for fixed and prescribed rules of immigration, and not a subject-matter of applying the discretion of the Executive upon that subject?

The SPEAKER. The Chair has not had time to hunt up all the provisions of the immigration laws of the country, but the repealing clause, with the exception as proposed by the House and the disagreement of the Senate, sent this whole matter, in the opinion of the Chair, to the conferees.

Now, then, there is but one provision that is seriously contended for in the point of order that is made, and that is to be found on page 2 of the House conference report, 6607, and is as follows:

That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

Now, then, one of the principal efforts in legislation heretofore has been to exclude labor that is brought in under contract or is promoted, so to speak; and the very reason of that legislation has been and is that the labor conditions in the United States should not be affected unfavorably. Three sections of the House substitute deal expressly with that question. It is not like unto the precedent cited by the gentleman from Mississippi, which was made by the ruling of Mr. Speaker Henderson. The only thing there was a disagreement between the House and the Senate as to certain specified claims, and between the Senate and House as to certain other specified claims. The conferees in that case, taking in the whole sea or ocean of claims, from the birth of Christ to the supposed death of the man with hoofs and horns, picked out a number of claims that the House or Senate never had heard of or dealt with and put them in the conference report, and Mr. Speaker Henderson properly sustained the point of order to the conference report. The Chair has no difficulty nor any hesitation in holding that this is germane first; and, second, that it comes within the scope of the disagreement between the House and Senate as affects immigration on the one hand and the interest of labor on the other, and therefore overrules the point of order. [Loud applause on the Republican side.]

Mr. BURNETT. Mr. Speaker, I respectfully appeal from the decision of the Chair.

The SPEAKER. The gentleman from Alabama appeals from the decision of the Chair.

Mr. PAYNE. Mr. Speaker, I move to lay the appeal on the table.

Mr. BARTHOLDT. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. Does the ruling of the Chair apply also to the point of order raised against section 42?

The SPEAKER. It applies to everything. [Laughter.] The question is, Shall the appeal from the decision of the Chair lie upon the table?

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, I call for the yeas and nays.

The question was taken; and the yeas and nays were ordered.

The question was taken; and there were—yeas 198, nays 104, answered "present" 4, not voting 71, as follows:

YEAS—198.

Acheson	Denby	Jenkins	Overstreet, Ind.
Alexander	Dickson, Ill.	Jones, Wash.	Parker
Allen, Me.	Dixon, Mont.	Kahn	Parsons
Babcock	Dovener	Keifer	Payne
Bannon	Draper	Kennedy, Nebr.	Pearre
Barchfeld	Driscoll	Kennedy, Ohio	Perkins
Bartholdt	Dunwell	Kinkaid	Pollard
Bates	Dwight	Klepper	Prince
Bede	Edwards	Knapp	Reeder
Beidler	Ellis	Knopf	Rives
Bennet, N. Y.	Englebright	Knowland	Roberts
Bennett, Ky.	Esch	Lacey	Rodenberg
Birdsall	Fassett	Landis, Chas. B.	Scroggy
Bonynge	Fletcher	Landis, Frederick	Shartel
Boutell	Fordney	Law	Sibley
Bowersock	Foss	Lawrence	Slemp
Bradley	Foster, Ind.	Lilley, Conn.	Smith, Cal.
Brick	Foster, Vt.	Littauer	Smith, Ill.
Brooks, Colo.	Fowler	Littlefield	Smith, Iowa
Brown	French	Longworth	Smith, Mich.
Brownlow	Fulkerson	Loud	Smith, Pa.
Brumm	Fuller	Loudenslager	Smyser
Burke, S. Dak.	Gardner, Mass.	Lovering	Snapp
Burleigh	Gardner, Mich.	Lowden	Southard
Burton, Del.	Gilhams	McCarthy	Southwick
Burton, Ohio	Gillett	McCleary, Minn.	Sperry
Butler, Pa.	Goebel	McGavin	Steenerson
Calderhead	Graff	McKinlay, Cal.	Sterling
Campbell, Kans.	Graham	McKinney	Stevens, Minn.
Campbell, Ohio	Greene	McMorran	Sulloway
Capron	Gronna	Madden	Tawney
Cassel	Grosvenor	Mahon	Taylor, Ohio
Chaney	Hale	Mann	Thomas, Ohio
Chapman	Hamilton	Marshall	Tirrell
Cocks	Haugen	Martin	Townsend
Cole	Hayes	Michalek	Volstead
Conner	Hedge	Miller	Vreeland
Cooper, Pa.	Henry, Conn.	Mondell	Wanger
Cousins	Hepburn	Morrell	Washburn
Cromer	Higgins	Mouser	Watson
Crumpacker	Hill, Conn.	Mudd	Webber
Currier	Hinshaw	Murdock	Weeks
Cushman	Holliday	Murphy	Weems
Dale	Howell, N. J.	Needham	Wharton
Dalzell	Howell, Utah	Nelson	Wiley, N. J.
Darragh	Hubbard	Nevin	Wilson
Davidson	Huff	Norris	Woodyard
Davis, Minn.	Hughes	Olcott	Young
Dawes	Hull	Olmsted	
Dawson	Humphrey, Wash.	Otjen	

NAYS—104.

Adamson	Fitzgerald	Lee	Rucker
Aiken	Flood	Legare	Russell
Bankhead	Floyd	Lever	Ryan
Bartlett	Garber	Lewis	Saunders
Beall, Tex.	Garner	Livingston	Shackleford
Bell, Ga.	Garrett	Lloyd	Sheppard
Bowers	Gill	McLain	Sherley
Brantley	Gillespie	Macon	Sims
Broussard	Glass	Maynard	Slayden
Brundidge	Goldfogle	Meyer	Smith, Md.
Burgess	Goulden	Moon, Tenn.	Smith, Tex.
Burleson	Granger	Moore, Tex.	Southall
Burnett	Gregg	Overstreet, Ga.	Sparkman
Butler, Tenn.	Griggs	Padgett	Spight
Byrd	Gudger	Page	Sullivan
Candler	Hardwick	Patterson, N. C.	Sulzer
Clark, Fla.	Hay	Patterson, S. C.	Talbott
Clark, Mo.	Heflin	Pou	Taylor, Ala.
Clayton	Hopkins	Pujo	Thomas, N. C.
Davey, La.	Houston	Rainey	Underwood
Davis, W. Va.	Howard	Randell, Tex.	Wallace
De Armond	Hunt	Ransdell, La.	Watkins
Dixon, Ind.	James	Reid	Webb
Ellerbe	Johnson	Richardson, Ala.	Weisse
Field	Jones, Va.	Robertson, La.	Williams
Finley	Lamar	Robinson, Ark.	Zenor

ANSWERED "PRESENT"—4.

Deemer	Gilbert	Sherman	Wachter

NOT VOTING—71.

Allen, N. J.	Haskins	McCreary, Pa.	Schneebeli
Ames	Hearst	McDermott	Scott
Andrus	Henry, Tex.	McKinley, Ill.	Small
Bingham	Hermann	McLachlan	Smith, Ky.
Bishop	Hill, Miss.	McNary	Stafford
Blackburn	Hogg	Minor	Stanley
Bowie	Humphreys, Miss.	Moon, Pa.	Stephens, Tex.
Broocks, Tex.	Keliher	Moore, Pa.	Towne
Buckman	Kitchin, Claude	Palmer	Trimble
Burke, Pa.	Kitchin, Wm. W.	Powers	Tyndall
Calder	Kline	Reyburn	Van Duzer
Cockran	Lafean	Reynolds	Van Winkle
Cooper, Wis.	Lamb	Rhinock	Wadsworth
Coudrey	Le Fevre	Rhodes	Waldo
Dresser	Lilley, Pa.	Richardson, Ky.	Welborn
Gaines, Tenn.	Lindsay	Riordan	Wiley, Ala.
Gaines, W. Va.	Lorimer	Ruppert	Wood
Gardner, N. J.	McCall	Samuel	

So the appeal was laid on the table.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. DEEMER with Mr. KLINE.

Mr. SHERMAN with Mr. RUPPERT.

Mr. VAN WINKLE with Mr. MCDERMOTT.

Until further notice:
Mr. POWERS with Mr. GAINES of Tennessee.
Mr. LILLEY of Pennsylvania with Mr. GILBERT.
Mr. HASKINS with Mr. LAMB.
Mr. MCKINLEY of Illinois with Mr. HENRY of Texas.
Mr. LORIMER with Mr. HUMPHREYS of Mississippi.
Mr. REYBURN with Mr. KELIHER.
Mr. BINGHAM with Mr. COCKRAN.
Until Thursday next:
Mr. WACHTER with Mr. SMALL.
For this day:
Mr. MINOR with Mr. TRIMBLE.
Mr. MOORE of Pennsylvania with Mr. MCNARY.
Mr. MOON of Pennsylvania with Mr. WILEY of Alabama.
Mr. LE FEVRE with Mr. VAN DUZER.
Mr. MCCREARY of Pennsylvania with Mr. TOWNE.
Mr. LAFEAN with Mr. SMITH of Kentucky.
Mr. BISHOP with Mr. RICHARDSON of Kentucky.
Mr. COUDREY with Mr. HEARST.
Mr. CALDER with Mr. RHINOCK.
Mr. ALLEN of New Jersey with Mr. CLAUDE KITCHIN.
Mr. WADSWORTH with Mr. WILLIAM W. KITCHIN.
Mr. BURKE of Pennsylvania with Mr. BOWIE.
Mr. AMES with Mr. STANLEY.
Mr. REYNOLDS with Mr. HILL of Mississippi.
Mr. WALDO with Mr. BROOCKS of Texas.
Mr. ANDRUS with Mr. RIORDAN.
On this vote:
Mr. COOPER of Wisconsin with Mr. LINDSAY.
Mr. BUCKMAN with Mr. STEPHENS of Texas.
The result of the vote was announced as above recorded.

Mr. BENNET of New York rose and was recognized by the Speaker.

Mr. WILLIAMS. Mr. Speaker, before the gentleman from New York begins—my understanding is that he has an hour for debate—I would suggest that we agree to an equal division of time, the gentleman from New York [Mr. BENNET] to control half, and the gentleman from Alabama [Mr. BURNETT] half.

Mr. BENNET of New York. Mr. Speaker, in reply to the gentleman from Mississippi, I will say that I had agreed with the gentleman from Alabama that he might have as much time as I myself with others occupied.

Mr. WILLIAMS. That there shall be an equal division of time?

Mr. BENNET of New York. All within my hour.

Mr. WILLIAMS. That gives our side thirty minutes.

Mr. BENNET of New York. No; I do not want to mislead the gentleman. If there are not requests on my side for thirty minutes, then the other side does not get thirty minutes. If we get thirty minutes, then the other side gets thirty minutes.

Mr. WILLIAMS. That will leave it entirely within the power of the gentleman from New York to cut off all discussion by simply sitting down at the end of three or four minutes and not yielding any time to anybody else. I would ask unanimous consent that thirty minutes to a side be granted, the gentleman from New York to control thirty minutes in favor of and the gentleman from Alabama to control thirty minutes in opposition to the pending legislation.

The SPEAKER. The gentleman from New York is entitled to sixty minutes. Now, the gentleman from Mississippi appeals to him to yield thirty minutes to the gentleman from Alabama. That is, if the Chair understands the gentleman from Mississippi.

Mr. BURNETT. I understood, Mr. Speaker, that to be the arrangement, that they expected to consume one-half an hour on that side and that we should have half an hour on this side.

Mr. BENNET of New York. So far as I am concerned, I will not object to yielding thirty minutes to that side if no other Member objects.

Mr. LACEY. With the understanding that the vote will be taken at the end of the hour?

Mr. BENNET of New York. With the understanding that a vote shall be had at the end of the hour.

The SPEAKER. The gentleman from New York has it in his power to move the previous question at the end of the hour or at any time before that to test the sense of the House. But, of course, if he yields thirty minutes to the other side, he can not do it until the expiration of that thirty minutes.

Mr. WILLIAMS. I understand, then, that the gentleman from New York yields thirty minutes to this side.

The SPEAKER. To whom does the gentleman from New York yield?

Mr. BENNET of New York. I desire first, Mr. Speaker, to make a brief statement myself. The principal points of difference, so far as they have not been discussed in the House when the bill was before the committee, have been discussed this morning on the point of order. The changes in that part of the bill which came before the House at the last session are very few. The matters in difference were the educational test, from which the Senate has receded; the form of the bill, as to which the Senate has receded; the commission section, to which the Senate has agreed with an amendment; the Littauer amendment, to which the House receded, and the so-called "head tax," which as it passed the Senate was $5 and as it passed the House $2, and on this matter there has been a compromise of $4. The administrative changes, about 100 in number, meet with universal approval.

These changes were very largely the result of the work of the gentleman from Massachusetts, my colleague on the committee [Mr. GARDNER], and to him more than anyone else is due the fact that after this bill becomes a law the laws regulating immigration will be simpler, better, and more efficacious.

Mr. GOLDFOGLE. Will the gentleman from New York yield to me for a question?

Mr. BENNET of New York. Yes; for a question.

Mr. GOLDFOGLE. The head tax as now proposed in the conference report is double that provided by existing law?

Mr. BENNET of New York. Yes.

Mr. GOLDFOGLE. What purpose is to be subserved by doubling the head tax? Does the gentleman from New York believe that doubling the head tax will increase the quality of immigration?

Mr. BENNET of New York. "The gentleman from New York" prefers to state the prevailing opinion among the conferees, which was that the extra $2 would create a fund which would go toward paying the share of the immigrant immediately in our expenses. My own views differ; but the gentleman must realize that in the conference, which lasted from June, 1906, until now, neither side could get all that it wished, and while the Senate receded on most of the propositions and those of largest importance, the House conferees compromised on this.

Mr. GOLDFOGLE. The gentleman proposes to put a head tax on the admissible immigrant; in other words, those who are found to be desirable immigrants, those who ought to enter the United States, must pay this tax.

Mr. SHERLEY rose.

Mr. BENNET of New York. I yielded to the gentleman for a question. Now, I will yield to the gentleman from Kentucky.

Mr. SHERLEY. As I understand, the Littauer amendment put on the bill in the House has not been agreed to by the conferees?

Mr. BENNET of New York. That is correct.

Mr. SHERLEY. That was an amendment providing for the admission of aliens who were refugees on account of their religious or political opinions without regard to their ability to earn a livelihood. Is there any other provision put in the bill, as reported by the conferees, that would afford ground for admitting refugees from Russia to America without their undergoing the rigid examination that would be required as to other immigrants?

Mr. BENNET of New York. There has, and there is a provision for striking from the House bill the provisions to which my friend alludes, to which the friends of the refugees strenuously object; the other provision in section 2 of the House bill which prohibits the admission of persons of poor physique or low vitality, that language has been stricken from the bill, and also in section 26 of the bill as proposed in the conference report there is a provision admitting persons found physically defective or liable to be a public charge upon giving a bond.

Mr. SHERLEY. Those are the only provisions made to cover the case of refugees?

Mr. BENNET of New York. Absolutely.

Mr. SHERLEY. And the provisions that the House made to cover specific cases that are now arising were waived by the House conferees?

Mr. BENNET of New York. Mr. Speaker, the question, I know, is not intentionally unfair, but it is in fact unfair, because the gentleman from Kentucky does not bear in mind that under the provision of the so-called "Littauer amendment" those refugees were subject to the rigid examination of which he speaks and were only relieved from one clause, and that was that they were to be deported because of want of means or the probability of their being found to be unable to earn a livelihood.

Mr. GOLDFOGLE. Did not the Denby amendment cover the other case?

Mr. BENNET of New York. The Denby amendment never passed the House, having been stricken out in the House when the commission section was substituted for the educational test.

Mr. SHERLEY. Of course the gentleman from Kentucky did not desire to put the gentleman from New York in a false light, but the gentleman from Kentucky still reserves the right to determine what amendments mean and still thinks the provisions made are not ample to cover the case, and that the House conferees have disregarded the interests of the Russian refugees.

Mr. BENNET of New York. There were many times, I will say to the gentleman from Kentucky, when the conferees on the part of the House themselves felt like refugees in that conference committee.

Mr. SHERLEY. I am prepared to admit that fully.

Mr. BENNET of New York. But we think the case is covered. I now yield ten minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, I am going to vote for this conference report, although I am obliged to admit that I am sorry to see a situation arise in which it is impossible to get a yea-and-nay vote on the educational test. I should vote against this conference report were it not for the fact that it carries the Japanese-passport amendment; but I am not willing to take any step which, if successful, might embarrass the hands of the Administration in settling the very important problem which has arisen on the Pacific coast. Unfortunately we must accept this conference report as a whole or get no legislation. We can not amend it. Mr. Speaker, if we vote down this conference report, we do not get the Japanese-passport amendment. Moreover, many Members of this House who believe in the educational test do not agree with me in thinking that it would be wise to vote down this conference report, even if it did not contain the Japanese amendment. Many Members of the House point out to me that under this conference report the contract-labor law is very much strengthened; that the $4 head tax will be restrictive, and that the new requirements of the steamship companies in the matter of air space for each immigrant will act as a further restriction. The administrative features, which the gentleman from New York was kind enough to credit to me and which I in my turn credit to him, are certainly of value. Nevertheless, I myself should vote against this conference report if it were not for the passport amendment. I believe that the best plan to pursue, if we want the educational test, is to refuse passage to any immigration bill at all until the House is brought to a yea-and-nay vote upon that question.

Mr. HARDWICK. Mr. Speaker——

Mr. GARDNER of Massachusetts. I can not yield now. There can be but little doubt as to the attitude of this House if permitted to express its opinion on the illiteracy clause. Now, Mr. Speaker, I am not going to discuss the educational test. I come to bury Cæsar, not to praise him. [Laughter.] But I want to warn you I am only burying him temporarily. This House and this country sooner or later must choose between two courses, and we must make our choice on a vote of such a nature that our constituents will know where we stand. The country must ultimately choose between two policies. The selection policy would admit every able-bodied alien of good character. We must choose between that policy and the restrictive policy which aims radically and substantially to reduce the flow of immigration, even if, in so doing many a good and honest man must be excluded.

Mr. BENNET of New York. Mr. Speaker, I ask that the gentleman on the other side exhaust some of his time.

Mr. BURNETT. Mr. Speaker, I yield ten minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, although the point of order was made to section 42 of this conference bill, I shall not waste any time talking about that, because it is excellent legislation, and ought to have been passed a long time ago, and will do a great deal of good now. It was merely in the wrong place. It ought to have been enacted by at least one House and not solely by a conference committee. I want to call the attention of the Speaker of the House, and in as far as my poor voice can carry weight the attention of the country, to the broad language contained in the second proviso of section 1, as follows:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

Could delegation of legislative power to the Executive be broader?

"Whenever the President is satisfied" of what? That the passport is being used "to the detriment of labor conditions" in the United States. Could there be a phrase more indefinite? Full power to the President to relax or restrict? It is not the law which has to be "satisfied," but the discretion of the President of the United States. It is not a prescribed law wherein the American people shall be the judges of when a person comes in "in detriment to labor," but the entire responsibility is shifted by us from the shoulders of the legislative body and vested in the discretion of the President of the United States.

And I warn California and Californians now of what they ought already to know, that the President's view on how far and when and under what circumstances oriental labor may be "detrimental" to the labor of the United States is not their opinion upon that subject. Mr. Speaker, I regret more to-day than I have regretted for some time that there is not even one Democrat from the State of California in either of the Houses of Congress. Had there been, this craven surrender of California's representatives in Washington to White House and foreign influence would not have been unanimous. I am with Californians on the separate school question. I do not believe in mixed schools. The future welfare of the South is wrapped up in the question of separate schools and the separation of the two races there in order to maintain racial peace and to prevent the outbreak of racial hostility. We can not afford to have the police power of the State to regulate its own schools independently of the Federal Government and of foreign powers infringed or even so much as questioned. If questioned in California, the precedent is made to question it some day in Mississippi. I can not vote to lodge in the President a discretionary power to be used as a bludgeon to force a sovereign State to forego its sovereign right to maintain separate schools. I am with the Californians, Mr. Speaker, upon the subject of protection of the white labor of the United States against either African or oriental imported competition, and not upon the ground that Africans and orientals are essentially inferior to Caucasians. The former are. Whether the latter are or not is a question, perhaps. It is not that. I for one believe that the Japanese are one of the most superior races upon the surface of this globe. In certain points of courtesy and culture they are, in my opinion, our superiors, but they are just simply different—radically different. Their coming would result in a population lacking in homogeneity. They would bring a population unassimilable in the only manner in which any assimilation can take place that leads to brotherhood and equality and liberty—the pillars of a free republic. They are so radically different that the two races will not mingle to form one race to support upon its back the responsibility of our destiny, the burdens of our peculiar civilization, the ideals, the traditions, and the future of the Republic.

I am with the Californians upon another question, and I have no hesitancy in uttering it here, however unpopular it may be in some quarters. I want the Pacific slope kept a white man's country [applause], as I want all of this land, as far as it can be, a white man's country. Not because I am a blind chauvinist, not because I think we are the only race upon the surface of the earth, but because this is our land—the land of our traditions, the land of our ideals—and I know that the influx of another and a radically different race, even though it be said, for the sake of argument, to be not only equal, but superior, means another race problem for another portion of this Republic; means racial antagonism and racial warfare after a while; entails not the strength which comes from unity, but the weakness which proceeds from discord.

This gentleman to whose judgment this matter is to be left—the President—is one who has recommended already the naturalization of Japanese in this country. Who does not know that his discretion will be exercised on the side of relaxation and not on the side of restriction of Japanese inflow? I do not want another section of this country cursed as the South has been cursed, with an almost insoluble race problem, and I warn you now it will be a worse one than ours, for the reason that the Japanese are a superior race to the African, and therefore can be relied upon to assert themselves in combat with you and in antagonism to you in a very much more serious manner.

Now, Mr. Speaker, I shall not take up any more of the time, because it is very limited and several gentlemen on this side desire to speak. I shall ask to insert as a part of my remarks certain portions of a memorial of the California State Federation of Labor to the Congress of the United States, as follows:

Resolved by the California State Federation of Labor, That the views expressed by President Roosevelt concerning our attitude toward the Japanese indicate misinformation or misconstruction of the facts; that his threat to "deal summarily" with us is therefore entirely uncalled for, and his request for an enlargement of his powers quite unnecessary; further

Resolved, That the action of the San Francisco board of education, in providing separate schoolhouses for Caucasian and Mongolian pupils, which action is authorized and, in fact, required by the State constitution, is indorsed and supported by the practically unanimous sentiment of the State, and can not by any reasonable process of construction be regarded, either in intent or in effect, as "shutting them (the Japanese) out from the common schools," and is therefore not open to the terms of expletive which the President has applied to it; further

Resolved, That we insist upon, and shall to the limit of our power maintain, our right, under the Constitution of the United States and the constitution of California, and as a matter of practical necessity to the moral and mental well-being of our people, to segregate the pupils in the common schools in such manner as reason and experience shall dictate, and to adopt and enforce such other regulations as may be deemed wise and expedient in the conduct of our educational and other State or municipal affairs; further

* * * * * * *

Resolved, That we are opposed to the President's recommendations that an act be passed specifically providing for the naturalization of Japanese, and that the powers of the Federal Government be enlarged for the purpose of subverting the proper authority of this and other States; further

Resolved, That the powers vested in the Federal Government by the respective States are designed for use in protecting the latter in the exercise of their reserved rights and functions; consequently any attempt or threat to use these powers to prevent or obstruct the freest possible exercise of these rights and functions must be regarded as an act of usurpation, menacing the freedom of the American people, endangering the stability of American institutions, and demanding the strongest possible protest on the part of every patriotic citizen.

We are opposed to enlarging the power of the Federal Government for the purpose of subverting the power of their State—the whole Federal Government. How much more, then, to vesting discretionary power in one branch of it—the executive?

Now, Mr. Speaker, one word and I am done. The right way to keep a homogeneous white population is by fixed prescription of law or treaty and not to leave it to the doubtful issue of Executive discretion. There is much said about race prejudice. Every race has its prejudices in favor of itself and against other races, but all history teaches this, that every race feeling, be it an instinct or a prejudice, or, as I hold, a conclusion arrived at or after knowledge is essential to national progress, greatness, and happiness. No country whose institutions rest upon equality and fraternity and liberty, as all democratic institutions do, can have an assured future without a homogeneous population, made homogeneous and kept so by assimilating each part to every other part by voluntary union in lawful wedlock based upon the recognition on both sides of absolute equality. Every great woe and check to progress that this country has suffered is dated from the landing of the first slave ship at Jamestown. The very Iliad of all our woes was that. Had we had sense enough to do with regard to the negro race early in the history of the country what I would have you do with every other unassimilated race now and hereafter we would never have had war and its ensuing destruction of property and morals and happiness. We would never have parties based on sectionalism alone; we never would have had the fair proportions of our democratic temple marred by things that were necessary to preserve civilization itself. [Loud applause on the Democratic side.] I yield back the balance of my time.

Mr. GARRETT. Mr. Speaker, I do not know that my opinions on this matter are of importance or that they will have any effect, but I shall venture to express them.

There are several reasons why I am opposed to this bill reported by the conference committee. In the time allowed I can not even try to state them all.

One is, sir, because of the absence of an educational qualification. I am in favor of that, and I believe, from my experiences here, that the best method of securing that is to have no legislation on the subject-matter until that is included. The section from which I come, I know, sir, stands in need of laborers, but we are particular about the class. A tax is now laid upon the substance of the white people of my State for the education of another race. It is one of the burdens we have to bear, but I do not want to add to the burden by swelling the illiterate class. It is not sufficiently important.

If the present generation does not succeed in developing all of our resources, if we do not get all that is to be gotten, we in my section shall not complain, because we know our children or our children's children may derive happiness by tapping the fertilities of that goodly land which we leave untapped.

Again, sir, the vital feature of the conference bill is based on a question of labor. No satisfactory solution of the immigration question will be had except upon a basis of race. We must have immigrants from a race with which we can coalesce. Unless we can assimilate the immigrants that come to us they will not strengthen, but will weaken.

In the third place, sir, I oppose the bill because of my opposition to the delegation of legislative power to the executive. This question is essentially a legislative matter, one that neither in law nor in fact should be delegated to another branch of the Government. Ah, amid the confusion I caught a suggestion of the Speaker when he was ruling on the point of order to the effect, as I understand it, that this was a contest between the friends and opponents of labor.

So far as I am concerned, sir, I am willing, as one Member of this House, to retain here, where it belongs, full power to legislate on questions affecting labor and to assume responsibility for such action as I take. This side of the Chamber can well afford to do this in the light of the open record. I have a faint suspicion, sir, that labor would prefer to see this side of the Chamber legislate on their matters rather than to see authority delegated to the present President of the United States. Amid the confusion, while the Chair was ruling on the point of order, I thought I understood him to suggest that all he could see in the contest was a fight between the friends and opponents of labor. I may have misunderstood the Chair, but I so caught the suggestion. In the light of the Speaker's well-known record that was interesting. Has Moses looked upon the burning bush? Ah, Mr. Speaker, I have noticed that in matters affecting labor here the preponderance of noise at talking time is on your side of the Chamber; at voting time it is on this side. When I recall the record of the Speaker and his party on labor questions and measure it by the utterances he used in ruling on the point of order, I am driven to think of Moore's familiar lines. Slightly paraphrased they can be well quoted by labor's friends. I suggest this version:

The harp that now through Congress Halls
Doth labor music shed
Then hung as silent on these walls
As though that soul were fled.

[Applause.]

Mr. BURNETT. I yield one minute more to the gentleman from Tennessee.

Mr. GARRETT. One more reason, Mr. Speaker, and I am done. The vital feature of this bill, the conspicuous feature of it, was placed there because of the situation as regards California and the admission of Japanese to her schools along with the children of her own citizens. The big stick has been already wielded by the President in behalf of Japan and against California. I love California too well to vote to place this power, which may be wielded internally or externally, for peace or for war, by an Executive who has already on the vital question, before all the world, sided with the foreign nation and against that part of his own country affected; sided with the Japanese against his own countrymen. [Applause.]

Mr. BURNETT. I now yield to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Speaker, just a word or two on the bill now before the House to regulate the immigration of aliens into the United States.

In the main, it is a good, wholesome measure. However, I am opposed to the increase of the head tax from $2 to $4 on each and every alien entering the United States.

It will work a serious hardship on the poor man with a family.

For instance, in my frequent visits to Ellis Island I have observed that the average family of the alien is from five to eight, including his wife and himself, which means a tax, over and above the transportation, of from $20 to $32, a very heavy burden, indeed.

Again, my observation has been that the man, with his family with him, comes to stay and to make this his home. His children enter our schools and become good, law-abiding citizens and add to the wealth and prosperity of the nation.

This head tax is not needed, as there are now several millions in the immigration fund, which is growing rapidly, and therefore is intended as a restrictive measure. In my judgment it is unnecessary and unwarranted, and an injustice to a deserving and a desirable class of immigrants.

In the second place, I do not like the following sentence in section 1 of the proposed bill:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States, to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

While I have every confidence in the President of the United States, whoever the occupant of that exalted position may be, yet I doubt the wisdom of extending the powers of the Chief Executive.

There is a tendency of late to add to the authority and scope of the administrative branch of the Government. Under the Constitution of the United States the three coordinate branches

of the Government are equal, and any effort to injure any of these, or to exalt one at the expense of the others, is fraught with a danger to our free institutions.

Feeling that this is an encroachment on the prerogatives of the legislative branch of the Government in this bill, I am opposed to it as a matter of principle.

Section 2 contains the following, which, in my opinion, is likely to be abused:

And are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living.

The amendment to the Senate bill which was in the last session of Congress passed by this House, to exempt the unfortunate political and religious refugees fleeing from persecution, known as the "Littauer amendment," has been eliminated by the conferees. The reasons and the necessity for such exemption were well explained at the time this amendment was adopted by my colleagues from New York [Mr. LITTAUER and Mr. GOLDFOGLE]. It seems to me that under existing conditions, when persecution still obtains in Russia and some other countries, we ought not to drop what, as a matter of common humanity and justice, we during the last year deemed a wise provision. Under the rules of this House no such amendment can be offered to a conference report. Hence there is no opportunity to have the amendment in favor of these unfortunately persecuted people reinserted now.

Entertaining these views, I feel constrained, however good some of the provisions of the bill may be, to vote against the report, so that, if possible, the bill may be sent back to conference for further and more considerate action. [Applause.]

Mr. BURNETT. I now yield five minutes to the gentleman from Texas [Mr. BURGESS].

Mr. BURGESS. Mr. Speaker, I am willing to admit that there are many wise provisions in this bill, but I regard the last proviso to section 1 as so pernicious, as so violative of all the fundamental principles upon which immigration laws should proceed, that I can not for a moment give my support to this conference report. It reads as follows:

Provided further, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.

Now let us look at this provision fairly. Let us see how we are drifting. Let us consider who we represent, who we speak for here, what our powers are, what our capacity is, and above all what our courage is. Let us see if this section does not involve a surrender on the part of the California Representatives on this floor, seconded by a surrender of all other representation upon this floor, upon a great question that involves our very civilization. Why should the power be delegated to the President of the United States or any President, now or hereafter, to determine who shall be admitted in our land? Upon what principle can such delegation of power proceed?

Mr. KAHN. Will the gentleman yield to me for a minute? There is nothing in this section that relates to citizens of our land.

Mr. BURGESS. No, sir; but how can a man become a citizen of this country unless he is permitted to immigrate here, and immigration involves all the fundamentals necessarily that pertain to the question of citizenship, and when you abandon those fundamentals upon the question of immigration you abandon the whole subject of American citizenship.

Mr. KAHN. But the naturalization laws of this country specifically prohibit an Asiatic from becoming a citizen of the United States, and therefore the question of citizenship is not involved in this question at all.

Mr. BURGESS. That is only temporarily true.

Mr. KAHN. Perhaps this section may be only temporarily intended.

Mr. BURGESS. Perhaps the gentleman from California knows. I welcome him as the first voice from California in either end of this House that has broken the solemn stillness on this great question which involves that State. [Applause.] Let them speak out, every one of them, and say whether they are in favor of this sort of legislation upon this question. There are three fundamental reasons upon which I can not support such legislation as this. The first is that we delegate to the President the powers which Congress possesses and ought to have the conscience and courage to exercise. We ought to deal directly with these questions ourselves and speak for the people we represent here, and not delegate the power to some other authority now and hereafter whose opinion and decision we can not know in advance.

Second, not only do we delegate that power to the President, but, what is worse, we fix in this bill the ground upon which he may exercise that discretion, and we do not make it racial, we do not make it anything else but a mere question of labor competition; and I want to serve notice on you Californians we vote with you upon the exclusion of the Chinese and we are ready to vote with you upon the exclusion of the Japanese, but not upon the question of labor competition. We do not belong to the labor organizations yet in Texas, or elsewhere, I hope, in this country; but we vote with you because we are not willing that any race shall be admitted here with whom we are not willing to intermarry and who will not become real progressive equal citizens under our free institutions. [Applause.] The Democratic party is a real friend to labor, organized or unorganized, but it can not, and ought not, become the legislative partial servant of any class of citizens, whether organized or not. Selfishness is common to all classes, and organization does not lessen it. On all questions "equal rights to all and special privileges to none" must control its action.

If the exclusion of a race or an individual, or any number of individuals, upon proper and just grounds has the effect to lessen labor competition and to benefit any class of toilers, no one should object, and for my part I frankly confess that I welcome the fact. I believe in labor organizations, I believe in treating them in legislation fairly, but I do not believe in class legislation, whether for organized labor or organized capital, nonunion labor, or any other class of citizens, organized into unions, associations, or what not, or unorganized classes of citizens. I do not believe that legislation excluding either a race, a class, or an individual ought to proceed upon the interest of any particular class of American citizens. It seems perfectly clear to my mind that such fundamental position would result, if consistently followed, in the exclusion of all desirable as well as undesirable immigrants. To illustrate: Suppose the farmers' unions of Texas and other cotton-growing States, comprising, in my judgment, as patriotic and splendid a class of citizenship as the Republic possesses, should say that they desired the exclusion of all agricultural labor because their admission here would produce a disastrous competition with them in the production of cotton; that the admission of the German, the Bohemian, the Swede, the Italian, and the various other elements who engage in the raising of cotton would increase the product, decrease the price, lower wages, and injure these existing farmers' unions. Ought we to listen to that sort of a cry? So with every other class engaged in any pursuit in this country—the admission of most desirable immigration, pursuing the same pursuits, must result in labor competition.

To a Democrat the tariff affords a fine illustration of this position. We say we are for a tariff for revenue; we say that the protective theory is wrong, and yet we say that the levy of any tariff necessarily carries with it the incidental class benefit in a proportionate protection to the producer or manufacturer of the article taxed, and doubtless if that effect is produced upon our constituents we welcome the fact, but we all unite in proclaiming the sincere belief that it will not do to take this incidental class benefit and make it the basis of the levy and operation of the tariff taxation system prescribed by the Constitution, so we must say that we could not advocate upon the great immigration question a class benefit as the basis of the proper procedure, however much, here and there as individuals, we may welcome the effect produced by the proper exclusion upon the laborers or others of our sections.

At the last session of Congress, in a very brief speech in opposition to the drastic educational test, I had the occasion to express my views on the fundamental principles upon which immigration laws should proceed. I briefly summarize now those views: First, Mr. Speaker, the basic and controlling principle, most far-reaching in its scope upon the future of this Republic, in my judgment, is that no race ought to be permitted to immigrate here unless it is one with which we are willing to intermarry and unless it is of a blood worthy to blend with ours in the veins of a common posterity. I think that this great question is too much lost sight of in the selfishness of local interests and local politics, and that we are entirely too prone to think of our pockets and our profits rather than of our civilization and our posterity. Second, assuming that the immigrant comes of such a race, then it becomes a question of individual fitness, and these questions naturally suggest themselves to the American who wishes to preserve orderly and decent society: Is the immigrant honest; does he come under the tongue of good report; does he possess the essential element, individually, of a future valuable citizenship, namely, character, which now and in the future, as ever in the past, is a far more important factor

in society than wealth, rank, capacity, or anything else? Next, is he industrious; is he willing to work; does he seek in good faith employment? Next, is he a believer in free government; is he devoted to orderly organized government? This idea has been universally recognized because of the universal opposition to the admission of anarchists as immigrants. Next, and last, in my judgment, is he mentally and physically sound, so that he will not be a charge upon us or a peril to us?

If all these questions can be answered affirmatively, my opinion is well settled the immigrant should be allowed to come, and not only that, in a comparatively reasonable length of time should be clothed with the rights of citizenship; for, in my judgment, if these things are true of the immigrant, it is as certain as that day follows the night that he will become an American citizen whose posterity will be a blessing to this Republic. This, of course, I recognize, excludes the idea of an educational test, and I recognize that many of the wisest and best men believe in an educational test, but, Mr. Speaker, I am unable to subscribe to that view. I do not believe that in any age of the world in the past it has been true, or that in any age of the world in the future it will be true, that character, that virtue, that honor, that industry, that economy, that friendship, that religion, that devotion to law and order—in a word, that all that makes up what makes a real man, honored of men and loved of God, can be measured by education. I believe these attributes have ever been found in men and women whose opportunities were such that they had never learned to read Holy Writ and yet had squared their lives by the precepts of Jesus of Nazareth.

The third objection to this proviso emphasizes both the others and expands into other wide fields. I have said that it was legislative cowardice for us to confer this power on the President. I have said that the limitation put upon the exercise of the power in grounding it upon labor competition antagonized the whole theory upon which immigration should proceed. But, Mr. Speaker, the third objection is that both these things make it possible for the President, if he should so elect, to coerce a sovereign State and force it into a trade by which it would surrender its own police powers in consideration of class benefits. Mr. Speaker, such a position constitutes a national disgrace. No matter how great and good a President may be, no matter how sincere his action may be, no matter what desirable consideration of international policy may impel him to such course, the fact will remain that taking a power which ought not to be granted him, exercising a discretion upon radically erroneous ground, these two errors are combined and used as a weapon of expanding Presidential power and contracting the rights of the sovereign State. If all the great cry we have heard coming from California is true, what a miserable deal this provision, put into practical effect, reveals. Were the Californians sincere when the contention went over the country from them that the Japanese were not fit to mingle in the common schools with their children? Did they really contemplate the effect upon social order, upon the character and future of their children, or was it a great false cry in order to make life for the competitive Japanese so intolerable as that he would leave California?

Mark Twain once wrote a very able article in which he attempted to demonstrate that the religious persecution, so called, of the Jew in history was a great subterfuge, a false cry, a weapon of passion and prejudice used to produce an effect, the real cause of which was the commercial superiority of the Jew as a competitor in commercial pursuits. Was this cry of the Californians a mere subterfuge, a mere scheme prompted by the desire to persecute the Jap, unjustly at that, so as to force him into exodus? If so, it is a sad situation, and if this is not true, then they are willing to trade off the character of their posterity, to threaten and imperil their civilization, in order to increase the profits of a class of their citizenship. God help them in either event!

Mr. Speaker, in conclusion, I wish to say I have spoken not a word in malice toward anybody, and I have tried to express in as terse, plain English as I am capable of what I conceive to be the rottenness of this sort of legislation, and in my feeble way attempt along this line, as I shall continually attempt to do along all lines, to call a halt upon the fearful tendency to drift rapidly into despotism in this country. It is not material what the form of despotism is; it is immaterial what the name of the person is who exercises undue power; the substance will be the same. It is immaterial whether this Republic becomes a despotism in name or not if it becomes a despotism in fact.

Thoughtful, patriotic men of all shades of political thought in this country are recognizing more and more clearly the threatening and fatal tendency toward centralized Federal power and are speaking out in clear and determined tones their views as to the necessity of adherence to the fundamental divisions of power conceived and contended for by the early great and good men of this Republic. It is true that from the beginning of our history extremists on the one side have sought in every possible way to lessen the powers of the Federal Government, and, on the other hand, to lessen the powers of the respective States. I trust, however, that it is true that the great body of the people will recognize and insist upon the true middle course, in accord with the Constitution of the United States and the great lines of thought fixing the boundaries of power between the Federal and State governments, long ago pretty well defined. Some old thinker, whose name I do not recall, long ago tersely expressed a profound thought when he said: "It is not so much the distance as it is the direction that counts." The whole theory of jurisprudence, the very evolution of civilization recognizes the value of precedent, the power and the danger of tendency. If we go on and on, first on one question, then on another and another, expanding Presidential and Federal powers, encroaching upon and lessening the responsibilities and the powers of the State governments, gradually the people will less and less exert their will, and they will less and less give attention and thought necessary to the exercise of their will, and hence more and more we shall drift into a servile acquiescence in the will of a dictator; and this tendency will finally convert this real Republic into a despotism in fact under the guise of a republic in name. Nothing will prevent this except the continued earnest, determined opposition of the representatives of the people against such tendency on all lines. Already it is being gravely proposed that the control of all interstate business shall, upon one pretext or another, be exercised by the Federal Government.

The pretext of the commerce clause of the Constitution, of the taxation powers of the Federal Government, of the post-office powers, of the military powers are some of the various grounds upon which we are asked to proceed to thrust the Federal power into the States and say who the factory shall employ, how long their employees shall contract to labor, upon what terms insurance companies shall conduct their business, under what conditions corporations—the creatures of the States, and subject alone under our theory of government in their local operations to the will of the State in which they are operated—shall conduct their business. If upon any such subterfuge we are to go, what may be now laughed at as a dream of despotic power will become an awful reality, destructive of representative, constitutional, republican government.

I invite the thoughtful consideration of my colleagues in this House and all patriots in the country everywhere to an address delivered by a distinguished Member of this House, Hon. SAMUEL W. MCCALL, of Massachusetts, before the Republican Club in New York City, February 12, 1907, and I would indorse his thoughtful appeal to the Republican party in the closing words of that address to the consideration of all parties and all patriots when he says:

> But I trust the Republican party will make it its first duty to resist the coming of that day, and while always ready to exercise when necessary any national power in its full vigor, that it will safeguard the autonomy of the States, so that those who dwell in America hereafter may continue to enjoy that rounded and symmetrical system of free government preserved and handed down to us under that greatest of Republican statesmen, whose career we to-day commemorate, and to that end, too, that in the words of the immortal message from Gettysburg "government of the people, by the people, for the people" shall not perish from the earth.

Mr. BURNETT. Will the gentleman from New York now use some of his time?

Mr. BENNET of New York. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] has twelve minutes and the gentleman from New York [Mr. BENNET] has nineteen minutes.

Mr. BENNET of New York. Mr. Speaker, in order to allow a member of the California delegation to "break the solemn stillness," to use the expression of my colleague on the committee [Mr. BURNETT], I now yield eight minutes to my colleague on the committee from California [Mr. HAYES].

Mr. HAYES. Mr. Speaker, I am one of those Members of this House who are not entirely satisfied with the bill now before us. I do not think it entirely meets the situation. And yet I recognize, as my colleagues on the committee pointed out, that it contains many necessary provisions, provisions relating to the administrations of the immigration laws which are imperatively demanded and which have been repeatedly asked for by the officials of the United States Government charged with the administration of these laws. Therefore, it is my purpose to vote for this bill, or rather for the report of the conference committee.

Among other provisions which I regard as very important

provided for by this bill are amendments to the contract-labor laws. For years the immigration officials of the United States have not been able to enforce those laws, and I believe that the provisions inserted in this bill, formulated by the Committee on Immigration and Naturalization of this House, of which I have the honor to be a member, will make such changes in the law as will enable the immigration officers to administer these laws and carry into effect the purposes that Congress had in view when it enacted them.

Mr. BURNETT. Will the gentleman yield for a question?

Mr. HAYES. Certainly.

Mr. BURNETT. I notice the statement in the press of the country that the mayor and school board of San Francisco, in order to secure legislation on this subject, had capitulated on the subject of the admission of Japanese to the schools there. I should like to ask the gentleman if the California delegation in this House was a party to that, and what they think of that proposition.

Mr. HAYES. Mr. Speaker, in reply to the gentleman from Alabama I would say that I can not state what the mayor and the school board of San Francisco have agreed to. Neither myself nor any other member of the California delegation was a party to the conferences which have been held by the local authorities of San Francisco with the President of the United States, and therefore we are not entitled to any of the credit which should go to them for their patriotic efforts to remove the causes of friction between this country and the Government of Japan by doing what they have concluded to do.

But I will say to the gentleman from Alabama that I believe that when whatever is agreed upon becomes a public matter the gentleman and all others interested will see that the city of San Francisco has not sacrificed any of its rights of self-government. It has not agreed even tacitly that the Government of the United States may by treaty dictate to an American city how its public schools shall be run.

The gentleman from Alabama can not go further than I will go in upholding the proposition that the right of every local community to conduct its own affairs in accordance with what it conceives to be its highest interest should be upheld, and that the right of self-government should not be surrendered to nor usurped by the Government of the United States.

The principal part of this report, or the most interesting part to me as a Representative of California, is the last proviso of section 1; and it is interesting because, as we interpret it, it gives the President of the United States the authority to put an end to at least two-thirds of the immigration troubles from which we are suffering on the Pacific coast. I sympathize with nearly all that the gentleman from Mississippi [Mr. WILLIAMS] said a few moments ago in his remarks. The people of California are practically a unit in their desire to prevent the immigration of any Japanese or Chinese or other Asiatic coolies or laborers to their State. They will go as far as the gentleman from Mississippi to prevent that, and will not cease their efforts until a permanent exclusion act is passed by Congress. We expect this proviso in behalf of the State of California to reach only the present emergency, and I believe when the citizens of California come to understand this that they will gratefully accept it as a temporary expedient which, as I said before, will cure a large part of their difficulties; and I have every reason to believe that in the near future a permanent and satisfactory provision will be put into effect that will remove all of the troubles arising from this sort of immigration. Therefore we who represent California on this floor have agreed that we will support this report, including the provision referred to.

Mr. BURLESON. Mr. Speaker, will the gentleman yield for a question?

Mr. HAYES. Certainly.

Mr. BURLESON. There is a proviso here that the President of the United States shall have the discretion to exclude the Japanese whenever, in his opinion, labor conditions require it. Now, does the gentleman know what the opinion of the President of the United States is with reference to the labor conditions in California at this time? The gentleman, as I understand, says he is willing to accept this bill. Is it not a fact that the President recently characterized the conduct of the citizenship of San Francisco as "wickedly absurd" and "most unworthy" at the time they excluded the Japanese and Mongolians from their schools, and I ask the gentleman now if he has any knowledge that the President of the United States has changed his opinion? Will he give aid to these most unworthy people who entertain wickedly absurd opinions when they come before him to impress upon him the condition of the labor people and ask him to take action?

Mr. HAYES. Mr. Speaker, if the gentleman is through, I will say in reply that if he desires to know what the opinions of the President of the United States are upon this matter and whether they have undergone any change, let him go to headquarters and find out for himself. [Laughter.]

Mr. BURLESON. I know from his message what his opinion was concerning the Californians. He did characterize the conduct of San Francisco citizenship as unworthy and wickedly absurd. What I want to know is, what change has been brought about in his opinions?

Mr. HAYES. The gentleman asked whether the opinions of the President had undergone any change. One of the best things about the present occupant of the White House is that he is brave enough to change his mind. I desire to say that so far as I am concerned, as a Representative of the people of California, I believe that the ultimate result will justify the California Members of this House in agreeing to this provision. The people of California are willing to trust to the patriotism and sense of justice of the President of the United States to protect them from the immigration of the Asiatic and to secure them in the enjoyment of their rights as citizens of the United States. [Applause.]

Mr. BENNET of New York. Mr. Speaker, I now yield two minutes to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Speaker, the part of this report which it is difficult for me to accept is that which confers on the President of the United States what I think is a high legislative discretion. If we can confer upon the President the power to say that people with passports shall not be admitted, we can confer upon him the power to say that people without passports shall not be admitted; and if we can give him the power to say that they shall not be admitted when, in his judgment, it will be to the detriment of American labor, we can say more broadly that he shall have that authority when, in his judgment, it might be for the detriment of the country.

We could precisely as constitutionally endow the President with authority, whenever in his discretion he thought that there were too many immigrants coming to the United States, to stop it altogether as to give him the power we confer upon him by this proviso. Now, I do not believe in the abdication of the legislative power. I do not believe in throwing ourselves upon the guardianship of the Supreme Court. I believe the place for us to assert our prerogatives is right here upon the floor of the House of Repesentatives and of the Senate. [Applause.] And while I should very much like, Mr. Speaker, to vote for other features of this report, I am unable to see my way clear to accept the principle that is involved in that proviso, and I shall therefore vote against it. [Applause on the Democratic side.]

Mr. BENNET of New York. I shall ask the gentleman from Alabama to use some of his time.

Mr. BURNETT. I yield to the gentleman from North Carolina [Mr. GUDGER].

Mr. GUDGER. Mr. Speaker, in the short space which has been allotted to me I can only express briefly two or three thoughts that occur to me in connection with this great question. In my judgment the bill as reported by the conferees is more restrictive in some respects than the present law, and therefore I shall vote for it, although I am not in accord with some of its features. It falls far short of what is expected and demanded of this Congress by the people. They have asked for bread and you are giving them a stone. Relief has been promised them, but that promise has been broken. They have trusted you, but that trust has been violated. I am unalterably opposed to the importation of this foreign pauper element into our country. It will not only result in disturbing labor conditions, but, if unchecked, it will ultimately wreck and ruin our American social system. Sooner or later the country must choose between two causes. One of two policies must be adopted. We must have either a selective or an absolute restrictive policy. At present we are attempting both, but, I regret to say, enforcing neither.

If this foreign population continues to be admitted as at present, we shall cease to have a homogeneous class, created and maintained by assimilation through voluntary union in lawful wedlock, based upon and sustained by absolute equality. Such will be the inevitable result if this foreign element continues to pour in upon us from all quarters of the globe. Therefore this influx of undesirable immigrants is a hindrance to our progress and a menace to our peace and happiness. At the present ratio of increase the reports of the next fiscal year will show that a million and a half of foreigners have landed on our shores during that period; and in twenty years from now the number will have increased to 10,000,000 annually. It is not unreasonable to predict that holding the balance of power in the nation, and controlling absolutely some sections of it, they will demand and secure such laws as they may desire. Thus the control of

America will have passed from the hands of Americans. It is within our power to act now, and I hope that an organization will be formed in this country to force the enactment of a restrictive law—an organization so powerful that it will be able to crush political factions and men standing in the way of such beneficial and protective measures.

It is true that in some sections of the country there is a demand for more labor—the right kind of labor—but in the South a smaller acreage of cotton is urged for the purpose of sustaining the price of that staple. This is not consistent with the contention that more labor is needed here. Would it not be wiser to be content with the labor now at our command? Let us have a care lest we sow to the wind and reap the whirlwind.

What the people of the whole country desire and demand is legislation that will restrict immigration in a substantial way, but this bill does not do that. If amendments were permitted, I should like to offer several, but we are denied that right under the rule. Mr. Speaker, the tyrannical control of this House by a few men, as a result of which the people are denied the right to vote, through their Representatives, for the kind of legislation they want, and in which they are vitally interested, will be rebuked. Legislation for the trusts and for millionaires, like the ship subsidy, which proposes to give away the people's money, is given the right of way, while the laboring man, the real wealth producer, is denied a hearing on the eight-hour law and other measures for his protection. The right to legislate is fast passing out of the power of the people. We are falling into dangerous hands, and unless the country can be aroused to the seriousness of the situation, our liberties will soon be in jeopardy. [Applause.]

Mr. BURNETT. Mr. Speaker, the dangerous proposition which I think is involved in this conference report is couched in the proviso at the end of section 1. Section 42, requiring the steamships to furnish greater air space, is good legislation. It is well known that I believe in the restriction of immigration, and I think one of the effects of that section will be to restrict it to a very great extent. But amid all the good phases of the report, Mr. Speaker, there is one which I think is so obnoxious to any man who does not believe in investing the President with the autocratic powers embraced in the proviso that it ought to be defeated. Any man who believes in the right of local self-government and in the autonomy of the States, notwithstanding all the good features of this report, is in duty bound, as I see it, to vote against the report. The big stick which it permits the President to hold over the States may sometime be wielded to the overthrow of the most sacred institutions of the South. This constant trenching on the reserved rights of the States is becoming more dangerous with every Republican Administration. [Applause on the Democratic side.]

Now, Mr. Speaker, in regard to the question of immigration; the gentleman from Massachusetts [Mr. GARDNER] and myself toiled in season and out of season, as did our colleagues on the committee who agreed with us, in the framing of a bill which would be restrictive and would keep out the very people we desired to restrict, and I believe the educational test that we framed was the proper way to reach it. We thought for a while, Mr. Speaker, that we had the concurrence of the President, because he had sent in a message some years ago, as said by the gentleman from Alabama [Mr. UNDERWOOD], in which he advised that very test, but when it came to a "show down" the President was not to be seen, and his hand was not to be felt here, but the hands of other estimable gentlemen on this floor were felt in the defeat of that wise part of this legislation. Mr. Speaker, if gentlemen from the South believe that our section of country favors unrestricted immigration, I have but to refer them to a great address made by Mr. Harvey Jordan, president of the Southern Cotton Association, a few weeks ago in Birmingham, in which he shows that the southern farmer does not want the pauper labor of Europe to come there and raise cotton and other products of our country to bear down the prices of what we produce. I desire, Mr. Speaker, to incorporate in my remarks that portion of the address of Mr. Jordan. Not only that, but the governor of Alabama, in his inaugural address and in a message that he sent to the legislature that is now in session, emphasizes the same proposition. We have, Mr. Speaker, in the South one race question. We have felt some of the effects of pauper labor in portions of our Union, and not only do the members of the labor unions, for whom I have the greatest respect, desire a restriction, but the agriculturists of my country, the small farmers of Alabama, and of the South, are agreed on a restrictive policy.

Last June, when we had the question of the educational test up for discussion in this House, I submitted some remarks in support of that policy. This speech I circulated among my people, and during the summer as I mingled with them all over the district hundreds did me the honor of expressing their approval of my views, and not a single one expressed a word of dissent or criticism. In my home county are a few hundred members of labor unions, and they gave me their unqualified approval. But, Mr. Speaker, they were no more emphatic in their indorsement than were the farmers and business men. My people have heard of the conditions being brought about by the congestion of illiterate pauper immigrants in the great cities of the East, and they do not want the time to come when this horde will swoop down upon our Southland like the locusts that plagued the Egyptians. I am no extremist, Mr. Speaker, on this subject. I have always said that my people would welcome with a warm southern welcome those from any land and any clime who come to help build up the waste places of my country, and who desire to lend their aid to the moral, mental, and material uplifting of our Southland. But, gentlemen, we have suffered enough already from one race question, and now will we fly to a conflict with another? My colleagues from the South, God knows we have illiterates enough of our own, both black and white, without scouring the slums of Europe and Asia for more. [Loud applause.] I can not better express my views on this subject than by quoting an extract from the Farmers' Union Guide, of Pell City, in my district. It is the splendid organ of that magnificent organization in that part of Alabama. It is as follows:

> A natural migration of people from one country to another has always been successful and in its effect beneficial to both the nations of the new territory and the immigrants.
>
> We can not say as much for the artificial stimulus of the migratory spirit of to-day. We believe it is pernicious in its tendency, and ultimately the degeneracy of the native population resulting from it will be manifest. It is manifest in American politics to-day, especially in the North and West.
>
> The farmers and the laborers of Alabama should awake to the purpose hidden beneath all such schemes. The honest, industrious, and intelligent immigrant is invited to come, and that is enough. The other kind are coming too fast to be assimilated to our American ideas without hurt to our citizenship.

The quotation from the address of Harvey Jordan, referred to before, is along the same line and is as follows:

> The labor problem of the South is attracting the serious attention, at the present time, of our State legislatures, organized commercial and industrial bodies, and railroad corporations. The question of immigration to the South, if attempted on a large scale, should command the most serious and thoughtful attention of every man who loves the South and wishes to safeguard our country to the future ownership and protection of our present Anglo-Saxon race. If southern cotton mills, industrial enterprises, and railway interests require additional expert labor, let them import this labor from tnose sections of Europe that will fill the demand and at the same time give an addition to our population that will not jeopardize the future rights and privileges of American labor, and which will at all times respect the religions, laws, and traditions of the South. The demand from some quarters (especially emanating from foreign spinning centers) for the wholesale importation of foreign immigrants on southern farms for the supreme purpose of largely increasing the present supply of American cotton, is a matter which can not longer be looked upon with indifference by southern farmers. If additional labor is required upon southern farms, let the landlords of those farms say from what countries and what classes and numbers shall provide the demands to meet the situation. I am unalterably opposed to the passage of any immigration law which is not bound by every restriction that will protect the people of the South from the importation of pauper labor, and which does not restrict the right of immigrant entry to the best and highest type of people from the countries of Northern Europe. If we must begin the assimilation of the pure-blooded Anglo-Saxon of the South with foreigners, let those foreigners come from those countries which first made the Anglo-Saxon the type of the present day. If the time ever comes when the southern farmers must begin to divide up those lands which descended to them from the blood and sacrifice of their forefathers, let the division be made with a people who will reflect credit upon their citizenship and become desirable additions to the present population of the South.

Governor Comer, of Alabama, in his inaugural address a few weeks ago, in discussing the enactment of laws to encourage immigration, said:

> What law we make certainly we should make it so restrictive as to make those who come fit associates for our own yellow-haired, blue-eyed people. Alabama is just emerging from the impoverishing condition of low-price labor, and for the first time we are approaching the standard of price paid by Northern States, and it would be a calamity to throw an underlying quicksand foundation of this lowest class of labor from the congested districts of the Mediterranean shore. Make the conditions in our own State so fructifying that our own people will stop emigrating, and give the natural inflow and increase that will come from improved conditions a chance, and this will largely rectify the proper demand for labor. Some 400,000 of our own people have emigrated. It will be a calamity to put in competition with and push out those who are here, substituting a mass of this low-price stuff which this bill proposes to introduce. Five-eighths of the labor of this State is white; five-eighths of the cotton crop is made by white labor. The first effect of this flood of cheap labor would be a vital blow to the white labor in our midst, this white labor which reaches from our northern to our southern boundaries, whether engaged in production or manufacture.
>
> Immigrants, yes, we want them; but we do not want immigrants for the purpose of reducing the price of labor. We want them for citizenship.

In this statement the governor was correct. Our people do want immigrants, but they do not want those who will sap the foundations of our own prosperity and send their gains to build up their own impoverished land. We want those who are fit

associates for white freemen and not those who prefer to consort with American negroes.

We want those who may at least learn to respect the American flag and not those who look upon it as an emblem of oppression. We want those who can be taught the gospel of freedom and the tenets of the Golden Rule, and not those who from their infancy have been taught the law of the hidden stiletto and the religion of the assassin's knife. [Loud applause.] Let us have those who can learn that in America freedom does not mean anarchy and liberty does not mean an unbridled license to crime.

The South is prospering as it never prospered before, and who did it? Not those who have fought starvation amid the scenes of filth and squalor in the congested cities of the Mediterranean, but those through whose veins the warm red blood of the Caucasian flows in quickening currents. There are portions of my district where lands are bringing from $20 to $40 per acre which sold for $3 to $5 ten years ago. Who brought about this transformation? Not the Bohemian and the Hun, but Caucasians, who with their true wives and their children have ever been the pioneers of civilization and the advance guard of Christianity.

Mr. Speaker, I ask to here insert an extract from a recent issue of the Manufacturers' Record in regard to the marvelous growth of the South:

[Manufacturers' Record.]

A FORECAST OF THE SOUTH'S WONDERFUL FUTURE.

During 1906 the wealth of the South increased $7,300,000 for every day of the year, Sundays included, or a total of $2,690,000,000. The actual increase in assessed value was $1,076,479,788; and this was, on the average, 40 per cent of the true value. The amazing magnitude of this gain of $7,300,000 a day is strikingly shown by the statement of the London Express, which, bemoaning the inability of Great Britain to keep pace with America's growth, put the increase in Great Britain's wealth at $7,000,000 a week.

Contrast the South's increase of $7,300,000 a day with Great Britain's $7,000,000 a week, and then think of the future.

Given a few more years of this rapid advance by the South and it will begin to pile up a vast accumulation of capital, whereas now its business is increasing so rapidly that it requires all of its earnings for active business operations. Surely the vision is one to stir every Southern heart, for it is, indeed, a reality.

The growth in wealth during the coming years will far exceed the wonderful story of 1906.

Along educational lines the progress of Alabama has also been wonderful. Our State is beginning to do something like a moiety of justice to the common schools, our people are themselves awakening more than ever to the necessity of educating their sons and daughters, and mental, moral, and material growth are seen on every hand. All this has been done without the aid of illiterates from the slums of Europe and Asia.

Now, Mr. Speaker, with my people prosperous and happy, with the future roseate with the brightest hues of hope, I can not lend my vote or my voice to the effort of cold commercialism to subvert the happiness of my people by throwing another dark cloud of racial conflict across the pathway of themselves or of their posterity. [Loud applause.]

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama yields the remainder of his time to his colleague from Alabama.

Mr. UNDERWOOD. How many minutes, Mr. Speaker.

The SPEAKER. Seven minutes.

Mr. UNDERWOOD. Mr. Speaker, I believe in the restriction of immigration coming into this country. I am opposed to the Asiatic immigration coming in here; I am opposed to the European immigration coming into this country that is not homogeneous with our home people and that we can not assimilate. I do not believe that you can accomplish this result by any makeshifts. I believe that to attempt to do so is only temporizing, and no result will be accomplished. I believe there are but two ways in which this question can be reached and entirely solved, and that is to pass a prohibitive law against the Asiatic coolies coming into this country at all, and so far as the European nations are concerned I believe that the wise position to take with reference to this matter is to adopt an educational test that will largely eliminate the races from Mediterranean Europe, and will not interfere to any material extent with the races of northern Europe coming in here—races of whom we can make good citizens.

Now, that was the proposition that came before this House. That was the proposition that the Senate of the United States presented to the country, and that was the proposition that the Committee on Immigration of this House presented to the House. That is the only question that the people of the United States want any legislation in reference to. The people who believe in restriction in this country, the people who believe in maintaining a homogeneous race of people, the people who believe in protecting the labor at home from the pauper labor of Europe, do not believe in and do not want the makeshifts written in this bill. They want a straight-out, honest, fair declaration and fair restrictions of immigration, and they do not get it in this bill.

You can say what you please about the important administrative conditions in this bill. That is a mere drop in a bucket of water. It is a matter of little importance. But the real questions that the country called on us to legislate about have been stricken out of this bill and have been abandoned. Why, they come here—the gentlemen who bring in this bill before the House—with a great parade that they are legislating to keep the Chinese out of California, and what do they do? They bring in a provision here authorizing the President, if he sees proper, to refuse to allow Japanese to land on our shores who come to this country from our colonial possessions.

There are only a few hundred thousand Japanese in all our colonial possessions. There are millions of Japanese in Japan itself, and yet, with all this hurrah, all this pretense that you are legislating for the benefit of the people of California, you are merely prohibiting the Japanese to come from the Hawaiian Islands and the Philippine Islands, and you leave the door wide open to the millions of Japanese in Japan itself, and no power on the statute books to stop them. Is that restriction of Japanese immigration? Not at all. It is merely a makeshift. On the other hand, the increase in the head tax from $2 to $4 amounts to but little. It may be that it will help the administration of affairs. It may be that it may bring a small amount of revenue into the Treasury, but everyone knows that has considered the question at all that the head tax within the present limits or within the limits of the $4 put on it by this bill is not paid by the immigrant himself, but paid by the steamship company, and the increased tax will not prevent a single other immigrant from coming into the United States. Then why should we go before the country parading this bill as if we were accomplishing something for the people of the United States along the line of restricted immigration? It is a fraud and a sham and a shame, so far as those men are concerned who believe in restricting immigration and protecting our people at home. There is nothing in the bill, there is not one line here, that carries out the promises to the people in that respect or to better the present conditions. On the other hand, it will really be an impediment in our way in the future. It is a bill that goes to the country as a pretense, and it will be necessary for those who believe in real restriction of immigration—an honest restriction of immigration—first to go to the country and show that this bill is a pretense and a sham before we can get the sentiment that will bring about an action of legislation that we need. [Applause.]

Mr. BENNET of New York. Mr. Speaker, before I yield any further I will ask unanimous consent that the Members may have leave to print, with reference to the subject-matter, at any time within the next five days.

The SPEAKER. Is there objection?

There was no objection.

Mr. BENNET of New York. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, if this conference report were subject to amendment, I should move to reduce the head tax from $4, at which it has been fixed in this bill, to $2, namely, to what it has been all along. There is no valid reason why that increase should be made. It is certainly not restrictive of any undesirable immigration, because the objectionable immigrant who can pay $2 to come into the United States will certainly be able to raise $4. But it might be a very serious impediment to a man with a family, who would have to pay $4 for each head of that family. If a man comes with his family in order to make this country his home for all time to come, it seems to me he is the very man who is a desirable acquisition to our population and our citizenship. Upon the other hand, that increase, Mr. Speaker, is not needed for our financial purposes, because the fund now, I understand, has more than $2,500,000 in it. So that as a fiscal measure it will be a failure. On the other hand, Mr. Speaker, if it were desired to put it on a financial test I would oppose it, because the possession of money, in my judgment, is never a test of character. A man without a dollar in his pocket may become a more desirable citizen than a man who has plenty of money, which perhaps he has secured in an illegitimate way before coming to this country. So there is absolutely no reason why this tax should have been raised.

There is another provision to which I should call attention, and to which the point of order has been made, namely, section 42 of the bill. This section may be desirable to immigration, but I do not know it; the members of the Committee on Immigration do not know it; I am sure the members of the confer-

ence committee do not know it. From a casual inspection I find it will necessitate a reconstruction of every ocean steamer that plies between the United States and any other country. In other words, the subject-matter of this provision has not been investigated. It was not considered by either a committee of the House or the Senate or by either House, and from what I can glean from a cursory investigation the provision will prohibit the carrying of passengers on any but three decks of a steamer, while the new and large ocean steamers to-day have three decks alone for first and second cabin passengers. I should on account of these objectionable features vote against the conference report but for the fact that the bill presents a peaceful solution of the California school question and will enable us to maintain cordial relations with a friendly power.

The SPEAKER. The time of the gentleman has expired.

Mr. BENNET of New York. I yield two minutes to the gentleman from Illinois [Mr. MICHALEK].

Mr. MICHALEK. Mr. Speaker, while there are some provisions in this bill which are of doubtful value and the necessity of which I can not at this time see, yet I believe that the measure in other respects is an improvement upon our present immigration laws, and I shall therefore vote for the adoption of this conference report.

I do not favor the head-tax compromise; and if it were not for the fact that the parliamentary situation is such as to prohibit the offering of any amendments, I should move to reduce this tax from four to two dollars, which is the amount of the head tax under our present immigration act. Also to strike out the section the enforcement of which is left to the scientific (?) "guess" of the examining surgeon, as to whether persons of poor physique can or can not earn a living. This provision and its practical effect and operation will unjustly affect a certain virile, though not physically robust, race.

I am glad to note the absence of the educational-test amendment from this bill, the incorporation of which, in my judgment, would unreasonably restrict desirable immigration and not have any material effect in barring undesirables.

The provision for the creation of a commission to investigate this subject and report its findings to Congress is a step in the right direction and ought to result in a harmonious solution of this question.

While many of us in and out of Congress honestly differ in our opinions on various phases of this immigration question, it will perhaps not be amiss for me to remind you and the country in general in this connection that nothing is gained, and a great deal of friction caused, putting it briefly and bluntly, by the indiscriminate and lamentably ignorant classification of certain nationalities of eastern and southern Europe as "Dagoes" by certain writers and professional reformers in the guise of slum workers.

These people seem to have and preserve a stubborn mental antipathy toward a white person not born in this country, and what is more to be regretted, are prone to make him feel like an alien at every opportunity that presents itself, although in thought and feeling he may be a better American than the one who traces his ancestry to the landing of the Pilgrims.

Let us not draw our conclusions of the foreign element in our midst by impressions of them created when they first land or are here a short time. Let us readjust those first impressions and conclusions to their relation to us as a nation that the powerful influence of Americanization inevitably brings.

This so-called white immigration problem is, in my humble opinion, a question largely of proper distribution. I am glad to see that there is in this bill a provision authorizing the establishment of a bureau of information for the special purpose of dealing with this most important phase of this question. I sincerely hope that it will accomplish its purpose.

Now, Mr. Speaker, this report would not have been agreed upon by the conference committees had it not been for the interjection of the Japanese question. With regard to the Roosevelt amendment and the reasons that caused its insertion, I regret to note that the big stick has dwindled, sir, to the magnificent dimensions of a toothpick. [Laughter.]

Now, I ask you, Mr. Speaker, and you gentlemen of this House, by what law of human reasoning based upon the logic of the situation can we, the greatest nation of the West, kotow to the little pampered bully of the East [applause on the Democratic side], whose self-asserted greatness lies solely in his highly developed sense of imitation and in his recent success in the art of glorified murder, which is the plain term for war?

The SPEAKER. The time of the gentleman has expired.

Mr. MICHALEK. Just one moment more. And in common justice to labor——

The SPEAKER. The gentleman's time has expired. Does the gentleman from New York yield?

Mr. BENNET of New York. I should like to, but can not, as I have promised all the time I have.

Mr. JAMES. I ask unanimous consent that the gentleman may have further time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MICHALEK. Mr. Speaker, at the last session of this Congress I have sat and listened to and read several speeches of gentlemen who declaimed loudly against the immigrant from Russia, Austria-Hungary, and Italy. I have heard these peoples, with centuries of civilization and culture behind them, denounced as unfit for American citizenship and as tending to corrupt our morals, lower our ideals, and debase our national life, and through the infusion of their blood bring about the mental and physical degeneracy of the people of this country.

And yet we are confronted with the spectacle of a nation hardly emerged from barbarism treated with a consideration by this nation that seems to imply some wondrous superiority of this branch of the yellow race over the white races.

And, strange as it may seem, I heard no denunciation or even a criticism of the Japanese by the Members of this House who so feelingly portrayed the evils of this European immigration and its detrimental effect upon the American people.

Mr. Speaker, I am for the State of California as against any race or nation, because it is an American State and a part of the United States. I am with the people of California, because this Japanese question is the Chinese question with another name. [Applause.]

Whatever may be said in criticism of the San Francisco school officials' attitude on the school question, it can not be contended that their demands were any violation of any treaty between the United States and Japan.

In my opinion the Federal Government has no constitutional right to interfere in the management of the schools of any State; and its interference in local matters is hardly conducive to the peace and well-being of these United States.

The Japanese nation demands the surrender of the rights of a sovereign State to control its own affairs. Rights, Mr. Speaker, guaranteed the people of California by our Constitution.

As far as I know there has never been denied to the Japanese the privilege of education; there has only been denied the right to attend the same schools with the white children of California.

And shall we blame the people of this State, the fathers and mothers, for objecting to the enforced association of their daughters with Japanese young men? With the offspring of a nation whose moral standards are at variance with those that western civilization prescribes?

Mr. Speaker, the demand of the people of California for separate schools for white and Mongolian children is primarily a local issue.

The demand for a rigid Japanese exclusion act, not only by the people of that section of this country, but by the great mass of American people in other sections, is a national issue that affects the very existence of every wage-earner in every State in the Union.

It can hardly be disputed that Japanese immigration affects the interests of our wage-earner in precisely the same manner as do the Chinese, with this added danger: That the superior sense of imitation and adaptability of the Jap enables him to compete in the skilled trades, whereas the Chinese scope of activity is generally confined to the coarser trades. I maintain emphatically that the interests of the American workingman are of greater moment, of greater importance, than the interests or needs of a few corporations or individuals desiring cooly labor.

Now, it seems to me that in common justice to the laborer of this country the Japanese ought to be placed in the same class as the Chinese and excluded. However, Mr. Speaker, this question can not, this question will not, be settled by this delightfully vague amendment.

It will be settled, sir, when the American people, through their representatives, will come to a realization of the fact that the policy of excluding all Asiatic labor is just as essential, just as important, just as justifiable as our adherence to the Monroe doctrine. [Applause.]

Mr. BENNET of New York. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes.

Mr. BENNET of New York. I yield two minutes to the gentleman from California.

Mr. KAHN. Mr. Speaker, the proviso at the end of the first section of this bill, while it does not go as far as Members upon this floor from the State of California would desire, nevertheless

meets with their hearty approval. The conditions that require such a provision are these: The Japanese Government itself, we are informed, does not desire its cooly laborers to come to the mainland of the United States; therefore it positively refuses to issue passports to those coolies to come to the mainland of this country; and no Japanese cooly can leave the home country without a passport. But there are many and large Japanese interests in Hawaii, and so the Japanese Government readily grants its laborers passports to our island possessions. So the cooly asks for a passport to Hawaii and lands there in due season. As soon as he sets foot on American soil at Honolulu he is no longer under the jurisdiction of his home Government, and shortly thereafter he takes passage to the mainland of the United States. Now, we believe that this provision, if enacted into law, will absolutely prohibit the Japanese cooly from coming to California and the mainland.

Mr. GILBERT. Mr. Speaker——

Mr. KAHN. I can not yield; I have only two minutes.

The SPEAKER. The gentleman declines to yield.

Mr. KAHN. As I said, we believe it will prohibit these coolies from coming from the island possessions to the mainland, and since the cooly can not procure a passport from the Japanese Government to come to the mainland, we feel that it will wipe out all cause of friction that now exists because these coolies come. We accept it because we believe it to be a step in the right direction. We have had great experience in exclusion legislation. It took us four years to get the first Chinese-immigration law. It took us ten years more to secure the first Chinese-exclusion law. This present legislation comes to us within one year after our people have asked for Japanese exclusion. We hope it may prove effective. At any rate, we from California are willing to give it a trial. We believe, as I have already stated, that it is a step in the right direction, and therefore we heartily indorse it. Mr. Speaker, I desire to print, as a part of my remarks, an address I recently delivered in the city of Boston, and which, I believe, expresses the views of a large majority of the people of California:

Speech of Hon. Julius Kahn on "Asiatic immigration" before the Middlesex Club, Boston, Mass., February 12, 1907.

Because the people of California have taken a decided stand in favor of the exclusion of Asiatic coolies they are too frequently charged with being intolerant and provincial. They are neither. On the contrary, they are among the most tolerant people in the whole world; while San Francisco, the splendid metropolis of the Golden State, is one of the most cosmopolitan communities on the face of the globe. Walking along her busy thoroughfares one meets representatives of every race, of every land, of every clime—and even the occasional immigrant from the distant Indies, clothed in the strange, fantastic garb of his native land, scarcely excites passing comment. It is not at all strange that such should be the case. The very manner in which the State was settled bred a spirit of tolerance from the very beginning.

When the news was heralded to the nations of the world that gold had been found within the confines of the newly acquired territory of the United States known as "California," a steady stream of sturdy, hardy, adventurous pioneers set their faces toward the land of the setting sun. Some braved all the dangers of a six months' journey across the plains, through lands infested by tribes of hostile and marauding Indians; others risked their lives in creaking hulks that made the long and tedious voyage around the storm-swept seas of Cape Horn; while others still defied the malignant fevers that lurked in the swamps of the Isthmus of Panama; all of them eager to seek fame and fortune in this new Eldorado. The resolute and the brave alone reached the goal. It was, in verity, a case of the survival of the fittest. The weaklings and the cowards fell by the wayside or returned ignominiously to their homes and friends. There were few in that great outpearing of Argonauts that had passed middle life. Most of them were young men of good education and good breeding. In the mad quest for the precious yellow metal religious and political lines were obliterated and all men felt that they were kin. The proud planter from the Southern States bunked in the same cabin with the humble farmer from New England. Immigrants from all the nations of Europe, to say nothing of Australia and South America, clasped hands 'neath the azure skies of glorious California and forgot the antagonisms of countless ages. Why, the very conditions that prevailed in the mining camps and in the pueblos made these men tolerant of the rights of others.

But they had not been in the Golden State more than two or three years when the first Asiatic coolies made their appearance among them. These were Chinese, who had been brought from their native land under contract to work in the gold mines. From the very outset their presence was looked upon as a menace. Their habits, their customs, their method of living, and the low wages for which they worked at once caused a strong antipathy to spring up against them. This feeling gradually grew stronger and stronger as they came in increasing numbers during the succeeding years, until it finally culminated in the passage of the so-called "Chinese-exclusion laws," under the terms of which their number has decreased materially during the past ten years.

But during these ten years a new invasion of Asiatic coolies has begun to threaten the peace and the welfare of the people of California. However, I deem it but proper to state at this time, and in this presence, that there is no antagonism on the Pacific coast to the Japanese of the better class, such as scholars, professional men, bankers, and merchants. The opposition is entirely directed against the coolies, or laboring, class. And I say frankly that the Japanese cooly is much more feared in California than is his meek, docile, childlike, and bland counterpart from the vicinage of Canton.

As a matter of fact, the Japanese cooly did not make his appearance among us to any appreciable extent prior to the close of the China-Japan war. Since then, however, he has been coming in constantly increasing numbers, and during the past year he has been landing at the port of San Francisco at the rate of a thousand or more every month. He comes by way of Hawaii, where his countrymen already outnumber the representatives of all other races. His own Government refuses to give him a passport to the mainland of the United States, and none of the cooly class can leave Japan without one of these passports. So he takes his permit for Hawaii and in due season he arrives at Honolulu. Once landed in the "Paradise of the Pacific," his home Government has no further control over him, and he promptly takes the very next steamer for San Francisco. He is not altogether an unskilled laborer, and almost immediately after his arrival at the Golden Gate he enters into direct competition with white skilled mechanics. Our experience with him has taught us that even where he begins work as an unskilled laborer he does not stay at it very long. He soon branches out in business for himself as a contractor, a restaurant keeper, a florist, or some other vocation of that kind. Now, that in itself is commendable enough; but the moment he has put up his sign he begins to cut the bottom out of prices. As a general rule he has no family to support, for most of the Japanese that come to the United States are males. They are not accompanied by their wives and children to any great extent, as is the case with European immigrants. In fact, most of the Japanese women that land upon our shores are brought here for immoral purposes. And so, since he has few mouths to feed, and since he can make a good meal on a handful of rice, a piece of dried fish, and a cup of tea, he can afford to, and, as a matter of fact, he does sell his commodities at about one-half the price his Caucasian neighbor is compelled to charge. Under such circumstances it is small wonder that there is an outcry against him from our shopkeepers and our laboring classes. California, by reason of her geographical location, has to bear the brunt of this fight. Those who do not understand the conditions that prevail in that State are too apt to condemn her people for their stand on the question of Asiatic immigration. But it is a case of self-preservation with us, and if conditions were reversed and the great hordes of Asiatic coolies were to make their American début on the shores of Massachusetts, you would probably have an outcry here compared to which the protest that comes from California bears the same proportion that a balmy summer zephyr bears to a genuine Nebraska blizzard.

Suppose, for the sake of argument, that Boston were the nearest port to Japan and that your suburbs, even as they are at present, were the seats of large manufacturing interests, especially in the production of shoes and cotton goods. It is an admitted fact that during recent years the Japanese have made marvelous progress in the manufacture of cotton goods. In the mills now being operated in Japan the operative receives from 10 to 15 cents a day, with long hours of labor and no Sunday rest. After he has learned how to handle the machinery properly the Japanese operator feels that he can better his condition by coming to Boston, where he can purchase the commodities he consumes about as cheaply as he can in his own country, and where he can well afford to work for 40 or 50 cents a day, which is three or four hundred per cent more than he can earn on his native heath in the same line of endeavor. A few of these laborers come over at first and excite little attention. These find that the field is a productive one, and shortly each incoming steamer brings them in in larger numbers. Gradually they begin to displace your white laborers in the cotton mills. Soon after they attack your woolen mills, then your shoe factories, and almost at the same time they go into your fishing industry and drive the fishermen of Gloucester and Cape Cod to the wall. Your white laborers find that they can not—and, what is more, they will not—come down to the standard of living of the Japanese. They soon realize that it is a struggle for existence between Caucasian civilization and the civilization of Asia. Which would your people espouse? Which ought your people to espouse? Do you think the citizens of your Commonwealth would allow the white man to be driven out of the factories and workshops, or do you think they would take the attitude taken by the people of California on this question?

I have repeatedly stated, since this question of the exclusion of Japanese coolies has come to vex us, that there is no animosity toward the sons of Nippon, as such, in the Golden State. Her people have admired and still admire the splendid progress the Japanese have made during the comparatively brief period that has elapsed since the doors of Dai Nippon were swung open to the commerce of occidental nations. Their art has won plaudits from the æsthetic in every land. They have made giant strides in science, in literature, in manufactures. Their patriotism and love of country have challenged the admiration of mankind and may well be emulated by other nationalities. And, finally, their prowess as brave and courageous defenders of flag and country has been a revelation to the ministries of the world. They have a right to feel proud of their achievements, and we cheerfully accord to them all the praise and all the honor those achievements merit. But we feel that we can admire them just as well from the vantage ground of a respectful distance. Nor need our hypersensitive Japanese friends feel that we want to wound their feelings when we say that.

After all, commerce between nations is only an amplification of trade between individuals. In our complex business life in these United States there are millions of buyers and sellers who deal with each other year in and year out. They meet in the marts of trade, make their purchases, pay their bills, and separate until another transaction again brings them into personal contact. In the interim each goes his particular way, as though the other had no existence. Because a large storekeeper buys an extensive bill of goods from a leading manufacturer it does not necessarily become incumbent upon the latter to introduce the former into his household and take him into the bosom of his family. Every man's house is his castle, and because some gentleman happens to be a good customer it does not necessarily follow that one must open one's home to him and invite him to become a guest of one's household. And it seems to me that the same general principle applies with equal force to international commerce. Relatively speaking, the citizens of these United States represent a great family, while the citizens of Japan represent another. And they ought to be able to still buy from each other, sell to each other, and transact business generally with each other without the necessity, however, of either taking the laborers of the other into the bosoms of their respective families.

In this country of ours, with its divers and sometimes conflicting interests it takes a long time to bring about a decided sentiment on such an important question as the exclusion of any particular race. In the matter of Chinese exclusion, although the residents of California were practically a unit on the subject, it took four long years of constant and aggressive agitation to bring about the enactment of the first Chinese immigration laws. And although a quarter of a century has rolled around since then I think the overwhelming sentiment of the people of this country is in favor of the rigid enforcement of those laws, provided always that no personal indignities are visited upon those Chinese who are specially exempted from the provisions of those laws.

And therefore the people of California, with the experiences of the past to guide them, had looked forward to a long and bitter struggle to

secure the extension of the exclusion laws to Japanese and Korean coolies. But the incident of the segregation of Japanese children from white children in the primary and grammar schools of San Francisco at once brought the question of the exclusion of Japanese laborers into the foreground and made it a burning, vital issue. For some reason or other in the discussion of the matter of the segregation of pupils an effort has been made to create the impression throughout the country that San Francisco had denied all Japanese children admission into her public schools. No such step has even been contemplated. The action of the school board simply contemplated the consolidation of all Japanese school children under one roof, and it has been generally admitted that the school provided for these Japanese and other oriental children was equally as good as were the schools attended by white children. The corps of instructors were experienced in their work and compared most favorably with the teachers in the other schools of the city. It is not my purpose to discuss this school question this evening. My individual opinion is, and always has been, that every State in the Union has the absolute right to regulate her own schools in any manner she sees fit and that no outsider, not even the President of the United States, has the right to interfere. But the courts will probably pass upon that subject, and anything that I may say upon it would be purely academic. Unfortunately, however, the discussion of the school question has constantly carried more or less war talk in its train. Personally, I have never taken any stock in such talk. I have always felt that the good common sense of the two nations would assert itself and that a solution would be found which would be creditable alike to the people of our own Government and the Government of Japan. I believe such a programme is now fairly under way and that there is every prospect for an early settlement of the much-discussed question. And in its solution I hope the question of the exclusion of Japanese coolies will likewise be determined.

It has been generally believed on the Pacific coast that the manufacturers of this country are the most pronounced opponents to the enactment of exclusion laws. If that be true, let me say to those manufacturers that the fear of the sale of a few bolts of cotton cloth is not a sufficient argument with which to answer the cry of the Caucasian population of the Pacific coast against being overwhelmed by the yellow and brown hordes from the shores of Asia. The experience of many years has taught us that occidental and oriental civilizations will not mix. The Chinese and Japanese may dwell among us for centuries, but at the end they will still remain Chinese and Japanese. The Chinatowns of our California communities have been in existence for upward of fifty years, and in all that time there has been no admixture of the races. And so in the Orient "East is east and West is west." The Caucasians who have settled in the Far East never intermingle and mix and intermarry with their Chinese or Japanese neighbors, but occupy a settlement or compound separate and apart from the brown or yellow races. As Henry Norman has so well put it in his book, The Far East—and to my mind his description sums up the entire situation in a few sentences—"We may like Japan and admire her and trade with her, and for my part I do not think it possible to know Japan without both liking and admiring her greatly; and Japan may like us and appropriate our knowledge and trade with us. But Englishman, American, Frenchman, or German is one kind of human being and Japanese is another. Between them stands, and will stand forever, the sacred and ineradicable distinction of race."

That tells the whole story. And the sooner our countrymen realize it and recognize it the sooner this whole vexed question will be settled and settled right. And in settling it right we need not fear that our commerce will be made to suffer. We will have our good years and our bad years of trade. There will be ups and downs, successes and reverses, all arising out of and influenced and regulated by purely local conditions. For myself I have always felt that while for some years to come we will get our fair share of the oriental trade, so far as that trade relates to manufactured articles, the time would ultimately come when all European countries as well as ourselves would lose all or nearly all of that trade. It is only a question of years ere the native populations of the Far East will have learned to produce the manufactured commodities we now sell them. The reports of American and English consular officers published within the past month or two are indicative of what the future has in store. According to their statements Japanese shirtings, drills, and other cloths made in Japan and China is "good cloth, well woven, and gives American cloth serious competition." The Japanese are great imitators. Give them a pattern and in short order they can produce it to perfection. Some of you may have read of the withdrawal of the Colt's Patent Fire Arms Manufacturing Company from Japan, an account of which was published in the newspapers of this country two or three months ago. I sent the accounts to the president of the company, asking him to kindly let me know the true facts in regard to the matter. In due season I received the following reply:

HARTFORD, CONN., *January 14, 1907.*

Hon. JULIUS KAHN,
House of Representatives, Washington, D. C.

SIR: I beg to acknowledge receipt of your favor of the 12th instant; also the newspaper clippings within referred to. The paragraph in the clipping referring to the market for the product of the Colt's Patent Fire Arms Manufacturing Company in the Far East as having been practically destroyed is true; also the report of the British army officer, although he did not make the investigation at the request of this company. He reported that he found in southern China a Chinese arms factory, under the superintendence of Japanese, which was manufacturing the Colt automatic guns. It was also reported to us that the Japanese, previous to their war with Russia, manufactured a large number of Colt automatic and Gatling guns at the armories in Japan, and this we have every reason to believe is true, as during the past eighteen months we have received no inquiry for machine guns from the Far East.

It is well known that with very little teaching the Japanese make very skillful mechanics, and the low rate of labor in China and Japan makes it impossible for the American manufacturer to compete with them.

Respectfully, COLT'S PATENT FIRE ARMS MFG. CO.,
L. C. GROVER, *President.*

Surely Mr. Grover can not be charged with having the so-called "bigoted and intolerant" notions of the people of California; but, like the latter, he has had actual experiences with the little brown men. Mr. Grover hails from New England, and we from California are glad to accept and welcome him as a friend and ally.

But the case of the Colt company is only a forerunner of what we may expect to happen with our oriental trade. Japan is just as ambitious commercially as we are. She will exert every effort to build up her markets at our expense. She has given evidence that she will even subsidize her manufacturers, if it shall become necessary, for them to control their markets. And I have always felt that if ever a clash of arms shall occur between the two nations it will arise as a result of our own commercial expansion interfering with the commercial expansion of our powerful neighbor on the other side of the Pacific.

In that connection it is well to bear in mind that both the Japanese nation and the American nation are alike proud, sensitive, ambitious, patriotic, aggressive. Just as we desire to be the dominant power on the American Continent, so Japan aspires to be the dominant power in Asia. She is already stirring China out of her lethargy of ages, and when that great, inert mass of humanity shall have been aroused into action the whole world will have to sit up and take notice. There is a strong antiforeign sentiment in both Japan and China. True, the argument is often made that the United States is the traditional friend of both of these oriental countries. But in my study of world politics I have learned to believe that at the psychological moment this traditional-friendship business turns out to be a pure myth. Take the history of our own country, for instance. We certainly were indebted to France for her unstinted support during the Revolutionary war, and yet in 1798 we made actual preparation to go to war with our whilom traditional friend. The immortal Washington himself was appointed Lieutenant-General of the American forces in anticipation of the conflict which then seemed inevitable.

During the civil war all the nations of Europe recognized the belligerent rights of the Southern Confederacy with one exception—Russia. Ever since that unfortunate period in our country's history we have loved to speak of our traditional friendship for the Empire of the Czar. But in the late unpleasantness between the Russ and the Jap our friendship for the former was suddenly chilled by the wintry blasts that blew across the steppes of Siberia, while the cockles of our hearts were aglow with the warmth of our sympathy for the little brown men of Dai Nippon.

Surely the latter should have reciprocated our sentiments, but if the history of the period immediately succeeding the signing of the treaty of peace at Portsmouth has been correctly written, it will show that the failure on the part of the Japanese peace envoys to receive a money indemnity from the hated Tartar did much to cool, among the Japanese masses at least, the traditional friendship that has been said to exist between Japan and this country, lo, these many years.

And then let us take the case of China. The powers of Europe had been gazing with longing eyes upon the boundless domains of the Celestial Empire. In due season "spheres of influence" were speedily selected, and the final dismemberment of China seemed to become the question of a few brief months. Suddenly the matchless diplomacy of the late John Hay came to the relief of the Chinese Government, and the policy of "the open door," with equal privileges to all, was hailed as the true solution of the dismemberment problem. But our friendship for China did not cease with that. In the settlements growing out of the "Boxer" troubles we were able to render her material assistance in reducing the amounts of indemnity demanded by the various powers. At any rate, we exercised great moderation in presenting our own demands. It was constantly asserted that China had always looked upon us as her traditional friend, and when these latest acts of sympathy and friendship were made manifest to her people we naturally believed that the latter would never turn upon her traditional friend. But a short while after a few Chinamen in California, aided and abetted, so I have been informed, by a few white attorneys in that State, wrote to their brethren in Canton that if the latter would only institute a boycott on American products our people would immediately let down the exclusion bars for fear of losing China's trade. You all must remember how the cables were kept warm telling our people of the rapid spread of the anti-American feeling in every portion of the Celestial Empire. Where, oh, where was the traditional friendship that so many people love to talk about?

And then there is the strange and wonderful case of England. She had been looked upon as the traditional enemy of the Republic ever since your own John Hancock inscribed his bold signature "where all nations should behold it, and all time should not efface it," to the immortal Declaration of Independence. For over a century our perfervid campaign orators had been indulging in the luxurious pastime of twisting the lion's tail until that noble beast was almost ready to roar with anger and resentment. But in 1898 all Europe was ready to interfere with our plans for the liberation of Cuba Libra. And then, as is often the case, the unexpected happened. England, our traditional enemy, became our friend. Since then we have heard much about "hands across the sea," and "blood is thicker than water." Let us hope that the friendship of these two powerful nations, representing Anglo-Saxon civilization, will continue to make for the betterment and the uplifting of mankind in every section of the globe.

But what I wanted to emphasize was this fact: That in the development of commerce, and the settlement of international questions, the reliance upon traditional friendship is not one-half as potent or effective as reliance on a fleet of good battle ships, augmented by cruisers and submarines of the latest improved types, and adequate, modern coast-defense fortifications. By continuing the construction of these we prepare in time of peace to maintain peace. Forty years ago the brilliant Seward announced to his countrymen that the commerce of the future would be carried on the waters of the Pacific Ocean. Both the United States and Japan are now seeking to control that commerce. Each country will make every effort to achieve its ambitions. It is the hope of every patriotic American that the question may be settled without resorting to the arbitrament of arms.

[Mr. GOLDFOGLE addressed the House. See Appendix.]

Mr. BENNET of New York. Mr. Speaker, I move the previous question on the conference report to its adoption.

The SPEAKER. The gentleman from New York moves the previous question on agreeing to the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. BURNETT. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 193, nays 101, answered "present" 5, not voting 78, as follows:

YEAS—193.

Acheson	De Armond	Jones, Va.	Overstreet, Ind.
Alexander	Denby	Jones, Wash.	Parker
Allen, Me.	Dickson, Ill.	Kahn	Parsons
Ames	Dixon, Mont.	Keifer	Payne
Babcock	Dovener	Kennedy, Nebr.	Perkins
Bannon	Draper	Kennedy, Ohio	Pollard
Barchfeld	Driscoll	Kinkaid	Prince
Bartholdt	Dunwell	Klepper	Reeder
Bates	Dwight	Knapp	Rives
Bede	Edwards	Knopf	Roberts
Beidler	Ellis	Knowland	Rodenberg
Bennet, N. Y.	Englebright	Lacey	Scroggy
Bennett, Ky.	Esch	Landis, Chas. B.	Shartel
Bonynge	Fassett	Landis, Frederick	Sibley
Boutell	Foss	Law	Slemp
Bowersock	Foster, Ind.	Lawrence	Smith, Cal.
Bradley	Foster, Vt.	Lilley, Conn.	Smith, Ill.
Brick	Fowler	Littauer	Smith, Mich.
Brooks, Colo.	French	Littlefield	Smith, Pa.
Brown	Fulkerson	Longworth	Smyser
Brownlow	Fuller	Loud	Snapp
Brumm	Gardner, Mass.	Loudenslager	Southard
Burke, Pa.	Gilhams	Lovering	Southwick
Burke, S. Dak.	Gillett	Lowden	Sperry
Burleigh	Goebel	McCleary, Minn.	Stafford
Burton, Del.	Graff	McGavin	Steenerson
Butler, Pa.	Graham	McKinlay, Cal.	Sterling
Calderhead	Greene	McKinney	Stevens, Minn.
Campbell, Kans.	Gronna	McLachlan	Sulloway
Campbell, Ohio	Grosvenor	McMorran	Tawney
Capron	Gudger	Madden	Taylor, Ohio
Cassel	Hale	Mahon	Tirrell
Chaney	Hamilton	Mann	Townsend
Chapman	Haugen	Marshall	Volstead
Cocks	Hayes	Martin	Vreeland
Cole	Henry, Conn.	Maynard	Wanger
Conner	Hepburn	Michalek	Washburn
Cousins	Higgins	Miller	Watson
Cromer	Hill, Conn.	Moon, Tenn.	Weeks
Crumpacker	Hinshaw	Mouser	Weems
Currier	Holliday	Mudd	Wharton
Cushman	Howell, N. J.	Murdock	Wiley, Ala.
Dale	Howell, Utah	Needham	Wiley, N. J.
Dalzell	Hubbard	Nelson	Wilson
Darragh	Huff	Nevin	Woodyard
Davidson	Hughes	Norris	Young
Davis, Minn.	Hull	Olcott	
Dawes	Humphrey, Wash.	Olmsted	
Dawson	Jenkins	Otjen	

NAYS—101.

Adamson	Fordney	Lloyd	Sherley
Aiken	Garner	McCall	Sims
Bankhead	Garrett	McCarthy	Slayden
Bartlett	Gill	Macon	Smith, Iowa
Beall, Tex.	Gillespie	Meyer	Smith, Ky.
Bell, Ga.	Glass	Moore, Tex.	Smith, Md.
Bowers	Goldfogle	Overstreet, Ga.	Smith, Tex.
Brantley	Goulden	Padgett	Southall
Broussard	Granger	Page	Spight
Brundidge	Gregg	Patterson, N. C.	Stanley
Burgess	Griggs	Patterson, S. C.	Stephens, Tex.
Burleson	Hardwick	Pou	Sullivan
Burnett	Hay	Pujo	Sulzer
Butler, Tenn.	Hedge	Rainey	Talbott
Byrd	Heflin	Randell, Tex.	Taylor, Ala.
Candler	Hill, Miss.	Ransdell, La.	Thomas, N. C.
Clark, Fla.	Hopkins	Reid	Underwood
Clark, Mo.	Houston	Richardson, Ala.	Wallace
Clayton	Howard	Robertson, La.	Watkins
Davey, La.	James	Robinson, Ark.	Webb
Davis, W. Va.	Johnson	Rucker	Weisse
Dixon, Ind.	Lamar	Russell	Williams
Ellerbe	Lee	Ryan	Zenor
Field	Legare	Saunders	
Finley	Lever	Shackleford	
Fitzgerald	Lewis	Sheppard	

ANSWERED "PRESENT"—5.

Deemer	Lamb	Lorimer	Wachter
Gilbert			

NOT VOTING—78.

Allen, N. J.	Gaines, W. Va.	McCreary, Pa.	Ruppert
Andrus	Garber	McDermott	Samuel
Bingham	Gardner, Mich.	McKinley, Ill.	Schneebeli
Birdsall	Gardner, N. J.	McLain	Scott
Bishop	Haskins	McNary	Sherman
Blackburn	Hearst	Minor	Small
Bowie	Henry, Tex.	Mondell	Sparkman
Broocks, Tex.	Hermann	Moon, Pa.	Thomas, Ohio
Buckman	Hogg	Moore, Pa.	Towne
Burton, Ohio	Humphreys, Miss.	Morrell	Trimble
Calder	Hunt	Murphy	Tyndall
Cockran	Keliher	Palmer	Van Duzer
Cooper, Pa.	Kitchin, Claude	Pearre	Van Winkle
Cooper, Wis.	Kitchin, Wm. W.	Powers	Wadsworth
Coudrey	Kline	Reyburn	Waldo
Dresser	Lafean	Reynolds	Webber
Fletcher	Le Fevre	Rhinock	Welborn
Flood	Lilley, Pa.	Rhodes	Wood
Floyd	Lindsay	Richardson, Ky.	
Gaines, Tenn.	Livingston	Riordan	

So the conference report was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. COOPER of Pennsylvania with Mr. FLOYD.

For the balance of this day:

Mr. MOON of Pennsylvania with Mr. SPARKMAN.

Mr. MURPHY with Mr. TRIMBLE.

On this vote:

Mr. MORRELL with Mr. HUNT.

Mr. REYNOLDS with Mr. LIVINGSTON.

Mr. COOPER of Wisconsin with Mr. LINDSAY.

Mr. GARDNER of New Jersey with Mr. MCLAIN.

Mr. BURTON of Ohio with Mr. GARBER.

Mr. BIRDSALL with Mr. FLOOD.

The vote was then announced as above recorded.

On motion of Mr. BENNET of New York, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move to suspend the rules and pass the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That immediately upon the final passage of the bill (H. R. 25483) making appropriations for the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, it shall be in order in the House to offer the following, under the conditions prescribed in Rule XXVIII, covering suspension of the rules:

Ordered, That in the engrossment of the bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, the Clerk be directed to insert after the paragraph of appropriation "for inland transportation by railroad route, $44,660,000;" the following:

"The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1907, for the transportation of mail on railroad routes carrying their whole length an average weight of mails per day of upward of 5,000 pounds by making the following changes in the present rates per mile per annum for the transportation of mail on such routes, and hereafter the rates on such routes shall be as follows: On routes carrying their whole length an average weight of mail per day of more than 5,000 pounds and less than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds; and on routes carrying their whole length an average weight of mail per day of more than 48,000 pounds the rate shall be 5 per cent less than the present rates on all weight carried in excess of 5,000 pounds up to 48,000 pounds, and for each additional 2,000 pounds in excess of 48,000 pounds at the rate of $19.24 upon all roads other than land-grant roads, and upon all land-grant roads the rate shall be $17.10 for each 2,000 pounds carried in excess of said 48,000 pounds.

"That after July 1, 1907, additional pay allowed for every line comprising a daily trip each way of railway post-office cars shall be at a rate not exceeding $25 per mile per annum for cars 40 feet in length and $27.50 per mile per annum for 45-foot cars, and $32.50 per mile for 50-foot cars, and $40 per mile per annum for cars 55 feet or more in length."

The SPEAKER. Is a second demanded?

Mr. MURDOCK. Mr. Speaker, I desire to offer the following substitute.

The SPEAKER. Is a second demanded?

Mr. OVERSTREET of Indiana. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Who demands a second? [After a pause.] If nobody desires——

Mr. SHERLEY. Mr. Speaker, I demand a second.

The SPEAKER. Is there objection to considering a second as ordered? [After a pause.] The Chair hears none. The gentleman from Indiana is entitled to twenty minutes and the gentleman from Kentucky is entitled to twenty minutes.

Mr. OVERSTREET of Indiana. Mr. Speaker, if I may have the attention of the House, I think I can explain in a very short time the effect of this resolution if it should be adopted. The post-office appropriation bill, which was under consideration on Saturday last, contains certain items seeking to reduce the rate of pay upon railway mail routes, which items are clearly subject to points of order. By the adoption of this resolution, which, under the rules, requires a two-thirds vote, the language in which the order is drawn would be equivalent to its adoption in the bill itself. It therefore would avoid the necessity of a rule and would avoid further controversy in the event points of order should be made upon these several provisions.

Mr. STEENERSON. Mr. Chairman——

Mr. OVERSTREET of Indiana. In just a moment. In submitting this resolution I have, after conversation with members of the committee having jurisdiction of the post-office appropriation bill, been guided by an effort to bring about some substantial legislation and avoid the entanglements which may arise by virtue of the items being subject to the point of order. I realize, Mr. Speaker, that there are differences of opinion among the Members of the House with respect to the various items recommended by the committee, which would operate in the reduction of pay to the carrying roads.

Mr. MURDOCK. Mr. Speaker——

Mr. OVERSTREET of Indiana. I should prefer not to be interrupted until I have completed my remarks.

Mr. MURDOCK. The gentleman will yield later?

Mr. OVERSTREET of Indiana. Yes. The four items recommended by the committee were, first, a reduction of certain per cents upon routes carrying an excess of 5,000 pounds per day; second, an elimination of empty mail bags from the weights; third, a change of method of computing the compensation by changing the divisor from six to seven days, and fourth, a change of rates with respect to the pay on full railway post-office cars. I stated, Mr. Speaker, on Saturday that I had considerable doubt with respect to the items of elimination of the empty bags and the change of divisor in the computation of the compensation, but that I believed that it was fair and reasonable to make a reduction in the rates upon railway routes above 5,000 pounds a day, and equally fair and reasonable to reduce the rates upon full railway post-office cars. I trust, therefore, that at least a two-thirds vote of this House may be had upon the pending resolution, which will incorporate in the bill at the proper place when the proper motion shall be made, freeing them from being subject to the points of order, those two provisions; first, the reduction of the present rates upon the routes carrying in excess of 5,000 pounds a day; second, a change of rate relative to a rate for full post-office car pay.

Mr. YOUNG. Will the gentleman yield for a question?

Mr. OVERSTREET of Indiana. I will yield for just a question.

Mr. YOUNG. Do I understand, then, that if this resolution was adopted that the provisions as to new divisor and mail bags would be subject to the point of order?

Mr. OVERSTREET of Indiana. Certainly.

Mr. MURDOCK. Now, will the gentleman permit a question?

Mr. OVERSTREET of Indiana. Yes.

Mr. MURDOCK. Now, Rule XXVIII, which you quote in your order, reads:

> No rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present; nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of the session.

Now, I would like to ask if he introduces this as an individual or as chairman of a committee?

Mr. OVERSTREET of Indiana. I introduced it as an individual, but I introduced it individually upon my personal responsibility and after consultation with a majority of the committee.

Mr. MURDOCK. Now, I would like to ask the gentleman——

Mr. OVERSTREET of Indiana. I submitted it to the leader of the minority [Mr. MOON of Tennessee], who in turn advised with some Members on that side of the aisle, and I submitted it to other Members on this side of the aisle, including my friend from Kansas.

Mr. MURDOCK. For which I thank the gentleman. Now, I would like to ask the gentleman if his proposition as contained in this proposed order carries the same rates as the bill which he defended Saturday?

Mr. OVERSTREET of Indiana. They are modified in two particulars. The bill which was before the House on Saturday, when I made the statement referred to, provided for a 5 per cent reduction on routes carrying an excess of 5,000 pounds and not in excess of 48,000 pounds; 10 per cent in excess of 48,000 pounds and not in excess of 80,000 pounds, and $19 per ton in addition to the 80,000 pounds a day. Nineteen dollars and twenty-four cents per ton is equivalent to a 10 per cent reduction from the existing rate of $21.37 per ton. Therefore, in this proposed order, embodied in the pending resolution, a change is made to $19.24, instead of $19. The second exception is that the land-grant roads are specifically excepted. The present rate carried by existing statutes on routes carrying in excess of 5,000 pounds a day is $21.37 per ton per year, as to roads other than land grant, but under the law the land-grant contract, providing for 80 per cent of the total pay, the rate per ton per year upon 5,000 pounds is $17.10. Therefore, if the language of the bill should be at the rate of $19.24 per ton in excess of 48,000 pounds, without any qualification, it would mean that the land-grant road would have to be paid at the same rate, or $19.24 per ton per year, which in effect would increase the rate upon the land-grant road. And in order to avoid an increase of rate upon the land-grant road and at the same time to avoid a too serious reduction upon the land-grant road where they now carry 80 per cent only of existing rates, I thought that it would be wise to put in that exception. So that by the adoption of this resolution there would be as to the per cents of 5 and 10 only a change of making it 10 per cent flat, or $19.24 per ton, instead of $19 per ton for the excess.

Mr. STAFFORD. The gentleman has stated that there was an exception so far as land-grant roads are concerned. Do I understand him to mean that the exception extends to the weight below 48,000 pounds?

Mr. OVERSTREET of Indiana. Only in excess of 48,000 pounds.

Mr. STAFFORD. That is the way I understood the resolution and that the $17.10 rate per ton provided only on the weight in excess. But on any of the land-grant roads where the weight is below 48,000, 5 per cent reduction of the present rates on land-grant roads would prevail.

Mr. OVERSTREET of Indiana. I yield to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Will the effect of the passage of this resolution be to cut off any opportunity to change the rates specified in the resolution? The gentleman provides for a 5 and 10 per cent reduction.

Mr. OVERSTREET of Indiana. No; there would be no opportunity to make any change. This resolution——

Mr. STEENERSON. That would commit us to that percentage.

Mr. OVERSTREET of Indiana. This resolution must be adopted or voted down. It must be adopted as a whole or not adopted at all, under the rules which govern in suspension of the rules.

Mr. STEENERSON. Then I understand the position to be that he knows that all of these provisions are subject to a point of order and would be ruled out, and he concludes to press this resolution in order that he may get a half loaf instead of a whole loaf?

Mr. OVERSTREET of Indiana. Exactly so. Just to answer a little more fully, I have my own personal doubts as to whether we could hope for any rule. And I believe that even the members of the Committee on Rules ought not to be expected to settle differences affecting legislation. That is not the province of that committee. And recognizing as I do a decided difference of opinion among the Members of the House as well as the members of the Committee on the Post-Office and Post-Roads with respect to these several provisions, I think it is proper for me to exercise my rights under the Rules of the House and offer a resolution suspending the rules, and not saddle upon the Committee on Rules the burden which ought not, properly, to fall upon that committee. But, believing as I do that a reasonable proposition, such as I think is embodied in the pending resolution will meet with the favor and approval of two-thirds of this body, and inasmuch as it will secure what I think is, at least, fair, even though it may not go as far as some Members may think and even a little further than some others may think, it is far better, Mr. Speaker, that we should adopt this resolution and put that language in the post-office appropriation bill rather than to resort to extreme measures or to postpone the evil day to a later period. Now I yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I want to ask the gentleman from Indiana if he will make plain to me how this reduction, or percentage of reduction, operates. In other words, how it will compare on the main lines of railroad with the smaller lines.

Mr. OVERSTREET of Indiana. If this resolution should be adopted, there would be no change whatever upon the roads carrying less than 5,000 pounds a day. On the roads carrying in excess of 5,000 pounds a day and not more than 48,000 pounds a day there would be a 5 per cent reduction from existing rates over the 5,000 pounds. The first 5,000 pounds would be computed according to existing rates; the next 43,000 pounds, up to 48,000, would have a 5 per cent cut. On roads carrying in excess of 48,000 pounds there would be a 5 per cent cut up to 48,000, and above that at the proper rate, $19.24 per ton of mail, which is an equivalent of 10 per cent reduction, except as to land-grant roads the rate will be $17.10 per ton in excess of 48,000 pounds.

Mr. SULZER. Just a question. If this resolution is adopted, how much will it save the Government?

Mr. OVERSTREET of Indiana. In my own judgment—and that judgment is based upon a computation made by the bureau of adjustments of the Department—it will amount to a maximum of $4,000,000, including the reduction of rates for post-office-car pay.

Mr. SULZER. Then I shall vote for the resolution.

Mr. JAMES. Does this resolution make in order all the reductions that your bill proposes?

Mr. OVERSTREET of Indiana. It does not. Surely the gentleman was not present when I explained it.

Mr. JAMES. I have just come in. Why do you not make all of them in order?

Mr. OVERSTREET of Indiana. Because I do not think I

could get a resolution of that kind adopted, and I would not go to the extreme. Because I am a practical man. I suggest a practical solution of a difficult problem.

Mr. JAMES. But you believe they ought all to be adopted?

Mr. OVERSTREET of Indiana. Mr. Speaker, I yielded to the gentleman from Kentucky. I decline to yield any further. How much further time have I?

The SPEAKER. The gentleman has six minutes remaining.

Mr. OVERSTREET of Indiana. I reserve the balance of my time.

Mr. PRINCE. I would like to ask the gentleman a question before he takes his seat.

Mr. OVERSTREET of Indiana. I have only six minutes remaining, and I want to retain that until the opposition has developed its position.

Mr. SHERLEY. Mr. Speaker, I demanded a second not because I proposed to oppose the resolution, but because I recognized the importance of it, and I believed we should have as much discussion as we could have upon it under the rules. I am therefore perfectly willing to yield to anyone who is opposed to the resolution; and in the absence of any such gentleman wanting to address the committee, then I will yield to any gentleman who desires to further explain it to the House.

Mr. OVERSTREET of Indiana. May I inquire of the gentleman from Kentucky if he will not yield a few minutes to the gentleman from Tennessee [Mr. MOON], to whom I had intended to yield?

Mr. SHERLEY. I will take pleasure in doing so, if he desires any time.

The SPEAKER. What time does the gentleman yield to the gentleman from Tennessee?

Mr. SHERLEY. Whatever time the gentleman desires.

Mr. MOON of Tennessee. I do not desire to discuss the question if there is no opposition to it.

Mr. SHERLEY. Then, Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I want the time only in order that the gentleman from Kansas [Mr. MURDOCK] may explain his substitute bill to the House. I do not know what he wants to offer.

Mr. MURDOCK. I do not know whether I have any time on the floor of this House.

Mr. SIMS. I am giving you the benefit of the five minutes that I have if you need it.

Mr. MURDOCK. This bill proper, as reported by the committee and adopted in committee after long and sometimes tedious debate as to many details, contains the four well-known provisions looking to the reduction of railway mail pay. As I understand the statement of the chairman of the committee just made, the order, if adopted by the House, carries with it all four of the provisions. Am I right? That is, the order, if it is made by the House, will make impossible the amendment or consideration on the floor of any of these four provisions.

Mr. OVERSTREET of Indiana. They are all subject to the point of order, and, as I am informed, the point of order will be made, and then the adoption of this resolution would leave in the bill this provision.

Mr. MURDOCK. The gentleman does not understand me. Leaving out and waiving the matter of the point of order, if the point of order should not be made against any one or all four of these provisions, would not any one or all of these provisions in the bill be subject to amendment and debate?

Mr. OVERSTREET of Indiana. Yes; if no point of order be made.

Mr. MURDOCK. Now, this provision to defend two provisions from a point of order and to leave the other two exposed to a point of order comes under a parliamentary turn. I have been around legislative bodies all my life. I have seen this played on the other fellow a thousand times, and now I find it played upon myself. [Laughter.]

Mr. SIMS. Mr. Speaker, I should like to have the gentleman explain the substitute he wanted to offer.

Mr. MURDOCK. My substitute, which I desired to offer and attempted to offer, simply took the provisions as they stood in the bill—the four provisions making the four reductions—substituting them for the two provisions offered here now by the chairman. I want to say to the House that the proposition is this: There are four distinct propositions looking to the reduction of railway mail pay in the House bill as reported by the committee. One of them is a 5 per cent horizontal reduction, from 5,000 pounds to 48,000 pounds; a 10 per cent reduction from 48,000 to 80,000 pounds. This one matter is a very debatable one that should have come before the whole membership of this House, because I want to say that there is an honest difference of opinion about horizontal reductions. Mostly they can be accounted unjust, because it is not fair to cut a route that carries 8,000 pounds a day the same per cent that you cut a route that carries 48,000 pounds a day, nor is it fair to cut a route that carries 50,000 pounds a day the same per cent that you cut a route that carries 80,000 pounds a day.

Mr. Speaker, there is in the bill, and there is not in this proposed resolution, a provision for a lower rate on routes that carry over 80,000 pounds of mail per day, and there are great routes in this country which could stand a progressive reduction for weights above 80,000 pounds per day. The larger railroads of this country—the New York Central, the Pennsylvania, and the Burlington—are saved a very large amount by this resolution.

Every man in this House and every man within the hearing of my voice knows that no Member here would for a moment oppose the opportunity to cut down, even if he can not cut it as much as it should be, the gross overpay that these railroads have received for thirty years. The provision for horizontal reductions, changed from those in the bill, and the postal-car-pay reduction are included in this proposed order. The corrected divisor and empty-mail-bag provisions are not.

Mr. JAMES. Why were not those other propositions made in order by this same resolution?

Mr. MURDOCK. That I can not answer. I tried to get them in by way of substitute. Now, every man here will vote for this proposition, containing but two of the bill's four provisions, because it does propose to cut down the largest single item of expenditure of the Government of the United States, an item that has been indefensible for many years, an item that has been almost without exception criticised by every Postmaster-General since 1875.

Mr. JAMES. By the failure to include the provisions about which you have been talking, how much does the Government lose, and how much do the railroads make?

Mr. MURDOCK. That I can not answer exactly. All the attempts that have been made at an estimate, running from $6,000,000 to $16,000,000, are mere estimates, and no one knows. You can not tell except by carefully working it out in the Department. Some men can guess, and some men may conjecture.

Mr. JAMES. You might approximate it.

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I desire to say a few words to the House in regard to the reason why I support this resolution. I am with the gentleman from Kansas [Mr. MURDOCK] in favor of the reduction of railway mail pay. I offered amendments to the appropriation bill last year looking to a reduction as great as 20 per cent on the heavy routes. I do not favor this proposition for a divisor of 105 instead of 90, now in the bill, in toto, because it reduces the railway mail pay 14 per cent and a fraction upon the densest routes as well as upon the lightest routes, which are generally conceded not to be overpaid now. But I am in favor of a material reduction, a reduction by a larger per cent than is provided for in this resolution, upon routes carrying over 5,000 pounds daily. But the parliamentary situation, as I understand it, is this: If a point of order is made against any of these provisions, being new legislation, they will be ruled out, and we would simply find ourselves at the last with a bill that contained no change of law and no railway mail pay reduction at all. And a change of law in regard to ascertaining average daily weight of mail is proposed in this bill. The only effect of changing the divisor, as proposed in the bill, is to reduce the average daily weight upon all roads by one-seventh. The relative pay of all routes, seven-day-a-week routes, six-day-a-week routes, and three-day-a-week routes, will remain the same, and they are relatively the same—that is, the per ton per mile rate is the same on all and will be the same with the new divisor, only, as I said, the "average daily weight" will, with the larger divisor, be reduced one-seventh.

A simpler way is to make one flat reduction by a larger per cent cut. It would take four years to put a new divisor in effect, for we only have weighings every four years. The division weighed last year have contracts running four years under present legal basis and can't be changed. The only way we can get reduction of railway mail pay is by changing the law, and by this resolution we make sure we get some reduction.

Mr. HILL of Connecticut. The only thing I care to know about it is if this bill is passed, is it a six-day average for seven days' work or a seven-day average?

Mr. STEENERSON. I will say to the gentleman from Connecticut that the passage of this resolution does not change the divisor; that provision in the bill remains subject to a point of order And, further, it is entirely immaterial, because the only thing there is to it, and I will convince the gentleman

when I come to address the House upon the question, which I will do as soon as an opportunity offers, is that the pay per ton per mile under the present law is the same for a three day in the week, or a six day in the week, or a seven day in the week route. It will be the same per ton mile under the new divisor proposed in this bill. Its only effect is to reduce the pay by reducing average daily weight by one-seventh. That is the provision in the bill, and it is a mathematical certainty, so I can convince the gentleman from Connecticut because he is a good mathematician.

Mr. HILL of Connecticut. You will have to work a good deal longer than the balance of this session to do it. [Laughter.]

Mr. STEENERSON. I am certain that the gentleman will be convinced, because it can be demonstrated.

Mr. MURDOCK. Will the gentleman from Minnesota yield to me?

Mr. STEENERSON. Certainly.

Mr. MURDOCK. Does the gentleman concede that the basis of pay is the average daily weight as recited in the law?

Mr. STEENERSON. What is the average daily weight? The daily weight, the daily route, is six times a week, just the same as the rural free-delivery carrier delivers daily mail. The railway carries it six times a week and that is a daily mail. If you carry it seven days a week, it is "daily and Sunday."

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. MURDOCK. I wanted to say to the gentleman who has asked me what the daily weight was——

Mr. STEENERSON. Mr. Speaker, I want some more time.

Mr. SHERLEY. I will yield two minutes more to the gentleman.

Mr. MURDOCK. Now, the law does recite the average daily mail weight, and if you divide this by six you get a better average than you do if you divide it by seven; and if you divide it by seven you get a lower average; and the Postmaster-General says if you will take the divisor seven, you will make a difference in excess of this difference of $5,000,000 a year.

Mr. STEENERSON. Nobody questions that; that is as clear as that two and two make four. It makes a difference of one-seventh. It is a method of changing the mail pay. Under the present rule the pay per ton-mile for movement of mail is the same upon the three-day-a-week route, upon the six-day-a-week route, and upon the seven-day-a-week route, because you use six as a divisor. Under the new provision of the bill you would use seven, or, in other words, for ninety days you would use the one hundred and five instead of ninety, the law of seven. Now, it is all a question of what is daily mail. The whole question turns upon that, and when this law was passed, through an abundance of caution Congress put in that the mail should be weighed upon working days. The proposition is to leave out the words "working day."

Mr. MURDOCK rose.

Mr. STEENERSON. Wait a minute. The gentleman, in his last speech, said that the provision was subject to a point of order because it was new legislation, and gave away his whole case, because when it is a change of law the present method of computing is according to law, and the Department has not used a "false" divisor as he then charged.

Mr. MURDOCK. Not at all.

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Speaker, I have no desire to consume more time, but I would like to ask the gentleman from Indiana one question, and that is if this resolution offered by him is adopted, whether the provisions made in order on the post-office bill will then be subject to amendment when that bill is considered?

Mr. OVERSTREET of Indiana. The gentleman refers to the items incorporated in this resolution?

Mr. SHERLEY. Yes.

Mr. OVERSTREET of Indiana. No; because the resolution provides that it shall be in order to make this motion when the bill has been passed by the House. A motion to incorporate the items pending in this resolution will be made after the consideration of the bill, and then they will not be open to amendment.

Mr. SHERLEY. I simply wanted the House to understand that fact. I myself so understood it.

Mr. OVERSTREET of Indiana. I yield to the gentleman from Minnesota.

Mr. STEENERSON. I would ask if it is not true after the passage of this resolution all new provisions not included in the resolution are just as well off?

Mr. OVERSTREET of Indiana. Just the same. If the point of order is made, they go out, and if the point of order is not made they are subject to amendment. Mr. Speaker, I have stated to the House that I have been prompted in offering this resolution to bring about some practical results. I doubt very seriously if this resolution should fail if anything can be done at this session, and in a spirit of fairness and in the hope that we can arrive at a reasonable conclusion I hope the House will adopt the resolution, and I call for a vote.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the resolution was agreed to. [Applause.]

LIMITING THE HOURS OF SERVICE OF RAILROAD EMPLOYEES.

Mr. ESCH. Mr. Speaker, I move to suspend the rules, pass the bill S. 5133, with an amendment reported by the House Committee on Interstate and Foreign Commerce, and ask for a conference.

The SPEAKER. The gentleman from Wisconsin moves to suspend the rules, agree to an amendment reported by the Committee on Interstate and Foreign Commerce to the bill S. 5133, and ask for a conference. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Strike out all after the enacting clause and insert:

"That the provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers and property by railroad in the District of Columbia or any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term 'railroad' as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term 'employees' as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train.

"SEC. 2. That it shall be unlawful for any common carrier, its officers or agents, subject to this act to require or knowingly permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue on duty, or go on duty, without having had at least eight hours off duty within such twenty-four-hour period; unless immediately prior to said twenty-four-hour period such employee had at least eight consecutive hours off duty and during said period of twenty-four hours following had at least six consecutive hours off duty: *Provided*, That no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine consecutive hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen consecutive hours in all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three consecutive days in any week.

"SEC. 3. That any such common carrier, or any officer or agent thereof, requiring or knowingly permitting any employee to go, be, or remain on duty in violation of the second section hereof, shall be liable to a penalty of not to exceed $500 for each and every violation, to be recovered in a suit or suits brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney, under direction of the Attorney-General, to bring such suits upon duly verified information being lodged with him; but no such suit shall be brought after the expiration of three years from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of its duly authorized agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen with the exercise of ordinary prudence: *Provided further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains.

"SEC. 4. It shall be the duty of the Interstate Commerce Commission to execute and enforce the provisions of this act, and to enable it to do so it shall have the power to employ such inspectors or other persons as may be provided for by law.

"SEC. 5. That this act shall take effect and be in force one year after its passage."

The SPEAKER. Is a second demanded?

Mr. ADAMSON. I demand a second.

The SPEAKER. The gentleman from Georgia demands a second.

Mr. ESCH. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Wisconsin is entitled to twenty minutes and the gentleman from Georgia to twenty minutes.

Mr. ESCH. Mr. Speaker, the House committee has had under consideration this measure for a period of two months. It has

given to it more deliberation than to any other measure that has come before it for the last four years, barring possibly the rate bill. We endeavored to secure unanimity of opinion with reference thereto. The majority members are in favor of the amendment which we wish to offer to Senate bill 5133. Legislation on this subject is asked for by the Interstate Commerce Commission, as shown by its last three annual reports; it is strongly indorsed by the President in his three last annual messages; it is also asked for by the brotherhoods of railway employees. The terms of the demand for this legislation are not agreed upon, but the necessity for legislation restricting the consecutive hours of service for railway employees engaged in train operation is generally admitted. We found that as the railroad employees and the railroads could not come to any agreement in their Chicago conference during the holidays, that it became the duty of Congress to take this subject-matter under consideration and to recommend such legislation as seemed proper. We have therefore presented to the House this amendment.

In brief, I wish to give its scope, for I wish to yield time to other members of the committee. The first section of the House amendment is almost verbatim section 1 of the arbitration act of 1898. It applies to all employees engaged in the operation of any train on interstate roads. It differs from the Senate bill in that the Senate bill limits it to "any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers." The second section of the amendment prescribes the hours of service. There are three classifications, and I wish to call attention to them. First, no employee engaged in train operations shall be permitted to work more than sixteen consecutive hours without having ten consecutive hours off duty. This is the first clause. Second, no such employee shall be allowed to work more than sixteen hours in the aggregate in any twenty-four-hour period without having eight consecutive hours off duty.

Mr. STEVENS of Minnesota. Not eight consecutive hours?

Mr. ESCH. Eight hours off duty.

Third, if any such employee shall have had eight consecutive hours of rest preceding any twenty-four-hour period and six consecutive hours off duty within that period, then the limitation in the second class does not apply.

This second section also prescribes a limitation of service of train dispatchers and of telegraph operators. So that all such who work in offices open day and night shall not be permitted to work more than nine consecutive hours and in all offices open only during the daytime not to exceed thirteen hours, except in cases of emergency, when four hours additional may be added, but not for a longer period than three days.

The third section prescribes a penalty for violations of this act not exceeding $500 for each offense. This penalty is to be collected by the United States district attorney in the district where the offense is committed, and he shall only act upon the verified information under direction of the Attorney-General. It may be objected that this takes away the initiative of the several district attorneys, but, as a matter of fact, this would simply enforce the practice that exists to-day in enforcing the safety-appliance law. The district attorneys are instructed by the Attorney-General in the bringing of these actions, and the provisions of this bill will bring about the same practice. It is further provided that in all prosecutions under this act the common carrier shall be deemed to have knowledge of all acts of its duly authorized agents. We have inserted the word "knowingly" before the word "permit." There are records kept in roundhouses, and in the offices of the dispatchers, and in the offices of those who direct train movements, which give the exact minute of the departure and the arrival of all these train employees. There therefore is preserved record evidence which can be used in prosecution under this act.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. ESCH. Yes.

Mr. BARTLETT. The gentleman stated a moment ago that the provisions in this bill in reference to the duties of the district attorney were the same as those contained in the safety-appliance act. The gentleman certainly does not mean that.

Mr. ESCH. The gentleman did not understand me. I said the provisions which we have in this act would bring about the same practice which practically obtains now in the prosecutions under the safety-appliance act.

Mr. BARTLETT. I understand.

Mr. CRUMPACKER. Will the gentleman answer this question?

Mr. ESCH. Certainly.

Mr. CRUMPACKER. In relation to the word "knowingly," does that add anything to the legal significance of the bill? Can anything be permitted in the sense of the law without knowing it is going on?

Mr. ESCH. I suppose permission implies knowledge.

Mr. CRUMPACKER. Does it not necessarily imply knowledge?

Mr. ESCH. I rather think so.

Mr. CRUMPACKER. I do not believe the word "knowingly" is of any significance in the text of the bill.

Mr. ESCH. We have in the third section a proviso which stays the operation of the act upon the happening of certain contingencies, it being the desire of the committee to strictly enforce the law except where by reason of an unavoidable accident or casualty or the act of God it was impossible for these employees to come within the time limit.

The fourth section of the bill provides the machinery for its operation, giving the commission the power and making it its duty to execute and enforce the provisions of this act, "and, to enable it to do so, it should employ such inspectors and other persons as may be provided for by law." It may be said that this is not specific authority and is not sufficient to provide for efficient enforcement, but I want to call your attention to the fact that in the safety-appliance act of 1892, as amended in 1896, and again amended in 1902, there were no provisions for the appointment of inspectors or other persons to carry out the provisions of those laws.

Mr. NORRIS. Will the gentleman yield to a question?

Mr. ESCH. Yes.

Mr. NORRIS. I notice in section 3, in line 8, on page 5, where the penalty is fixed, that it says——

Mr. ESCH. Not to exceed $500.

Mr. NORRIS. Not to exceed $500. Does the gentleman think, or has the committee determined in their judgment, that it would not be wise to fix a minimum as well as a maximum penalty there?

Mr. ESCH. The committee deemed it wise to only fix the maximum.

Mr. NORRIS. Has it been the custom of the committee, in other matters as well as that, to fix only a maximum?

Mr. ESCH. Under the safety-appliance law the minimum was $100 and the maximum was $500.

Mr. NORRIS. In the law now, as you have it here, with no minimum, the maximum penalty will be imposed in all cases.

Mr. ESCH. Yes; possibly.

Mr. NORRIS. Does not the gentleman think it would be better that a minimum as well as a maximum might be fixed, so that if a prosecution was had and conviction obtained, that there would be no danger of no punishment being inflicted?

Mr. ESCH. That feature of the matter was presented to the committee, and the committee determined to fix only a maximum penalty.

Mr. WANGER. I will ask the gentleman if it is not a fact that the Committee on Revision of the Laws concluded it was better to strike out the minimum penalties in all our statutes?

Mr. ESCH. Yes.

Mr. DRISCOLL. I have received quite a number of letters on this subject favoring legislation of this general character, and I have not been able to learn whether the railroad labor organizations of the country favor this or the Senate bill known as the "La Follette bill." I would state also I have received petitions in favor of the adoption of the law and some from organizations against it.

Mr. ESCH. I will say that there are numerous petitions in our committee favoring this bill and a number of petitions from the same organizations protesting against any law on the subject.

Mr. HUGHES. I see that your bill provides that violations should only be punished on recommendations of the Attorney-General. Why not make that so that they could be indicted by the district attorney and that he should prosecute them?

Mr. ESCH. The committee did not deem that process wise. They deemed it best to have this come from the Attorney-General, just as he is charged practically with the enforcement of the safety-appliance law.

Mr. ADAMSON. Will not the gentleman unite with me in a request for unanimous consent for a longer time for debate on this bill? So many requests have been made for time.

Mr. ESCH. I do not understand I have it in my power to yield to that. I think the rule gives twenty minutes on a side.

Mr. ADAMSON. I then request unanimous consent for one more hour's time for debate on this subject.

Mr. ESCH. I reserve the balance of my time.

Mr. OLMSTED. Mr. Speaker, I think that everybody knows how they are going to vote on this proposition.

The SPEAKER. Objection is made.

Mr. ADAMSON. Mr. Speaker, I recognize that the necessity for legislation upon this important matter is urgent. The people demand it. The safety of the traveling public demands it, and we should prepare and pass an effective measure. The Senate sent to us a good bill. We also unanimously reported from our committee nearly a year ago the Esch House bill. For either of those we were willing to vote and still offer to do so. The men affected have sent petition after petition in support of these bills. They will not be satisfied with the substitute which is now sought to be dragooned through the House under whip and spur by suspension of the rules without opportunity of amendment. Mr. Speaker, if our constituents and the public safety demand bread, we should not give them a stone; if they demand a fish, we should not give them a serpent. It requires a sound mind in a sound body, with every faculty of both fully awake, to operate trains with safety to the traveling public. Tired and sleepy men are unreliable. Cupidity operating on men and managers constantly permits operators incompetent from exhaustion to endanger the lives of themselves and the traveling public by operating trains. It has become obvious that nothing but the law will correct the evil. We are unwilling that the demand for legislation shall be mocked by destroying our opportunity to accomplish something. The whole subject can be closed for the present, genuine relief can be prevented, and the hypocritical pretense go to the country that something has been done.

That is just a mockery and a delusion to any man who imagines for a moment that there is anything effective in it. The La Follette bill, as it came from the Senate, briefly provided for prohibition of work over sixteen hours, prescribed punishment, authorized investigation and report to the district attorney, whose authority to prosecute was not limited by the terms of the bill, as is done in the substitute. It also provided, by a virile and effective section, for the appointment of persons authorized by law to inspect and have these cases punished.

Mr. DRISCOLL. Will the gentleman yield to me for a question?

Mr. ADAMSON. No; I can not yield; I have not time.

Mr. JOHNSON. I would like to ask the gentleman a question for information.

Mr. ADAMSON. I would be glad to inform the gentleman, but I have yielded the entire time to others. I have no further time to allot. I have not time to allude to all the inconsistencies of this substitute; but everything good in it is so emasculated by exceptions and provisos that there is no railroad manager in the country who could tell his duties and liabilities, and the operatives would require the services of a lawyer all the time to advise them, and perhaps a surgeon, too, as present conditions, already bad enough, might be greatly aggravated by the uncertainties and inconsistencies of this substitute.

Mr. Speaker, I ask permission to incorporate in my remarks the minority report and the exhibits. I yield four minutes to the gentleman from New York [Mr. RYAN].

The minority report is as follows:

We, the undersigned, members of the Committee on Interstate and Foreign Commerce, regret we can not concur with the action of the majority in connection with S. 5133, just reported by substitute from said committee. We recognize the great and urgent importance of the subject and realize the pressing necessity for effective legislation to promote the safety of the traveling public, as well as of the employees operating railroads. Long and faithfully we have labored to secure such action as would promise such effective legislation. On May 31, 1906, we unanimously reported from our committee H. R. 18671, which is yet on the Calendar, and which we are ready to support by our votes and speech in the House. We opposed the amendment of S. 5133, substituting the provisions reported by the majority, for the reason that such substitute is not as good in point of value and effectiveness as the Senate act, but defeats the purposes thereof. The only improvement on the Senate act it contains is the provision to limit the hours of work of telegraphers, operators, and train dispatchers. That provision itself should have been further improved by fixing the hours at eight and twelve instead of nine and thirteen, respectively.

The contradictions and vagaries of the substitute appear to us to trifle with the demands and the hopes of the public for protection. The use of the word "knowingly," as applied to the action of railroad officials, and the unnecessary declaration that the corporation shall be construed to know the acts of its authorized agents would look ridiculous but for the suggestion of a sinister design contemplating reflex effect, which might permit the railroads to repudiate conduct of its servants, however careless and criminal, by denying that they were duly authorized for that particular purpose. The provision as to inspectors is uncertain and vague, if not meaningless, and might result in failure to execute that law as a result of a point of order raised against an appropriation for a purpose not authorized by law. A much more proper and effective provision would be as follows:

"To give effect to the provisions of this act the Interstate Commerce Commission is hereby authorized to employ special agents and inspectors, who shall have power to administer oaths, examine witnesses, and require the production of books and papers."

We append hereto H. R. 18671 and S. 5133. We would be glad to support either if permitted to offer it as a substitute for the pending proposition, if at the same time we could be permitted to amend either of them so as to make it include a satisfactory and effective provision to limit the hours of telegraphers, operators, and train dispatchers on duty.

We are induced to believe, not only by the provisions of the substitute reported by the majority, but also by the treatment accorded H. R. 18671, that the proposed legislation will not be effective and is not intended to give the remedy and the protection that the public desire. The effect of the substitute will not be to accomplish the purpose ostensibly set forth as the purpose to be accomplished, but will, on the contrary, enable common carriers to evade and avoid all penalty and responsibility. We recommend that the proposed attempt of the majority to pass, under the suspension of the rules, the substitute, without opportunity for amendment, be defeated. The majority of this House can bring the subject-matter of this legislation before the House in other ways, so that the House may have the opportunity to substitute and amend and give the country effective legislation.

R. C. DAVY.
W. C. ADAMSON.
W. H. RYAN.
WILLIAM RICHARDSON.
C. L. BARTLETT.
GORDON RUSSELL.

[H. R. 18671, Fifty-ninth Congress, first session.]

A bill to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Be it enacted, etc., That the provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers and property by railroad in the District of Columbia or any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "employees" as used in this act shall include all persons actually engaged in or connected with the movement of any train operation, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract.

SEC. 2. That it shall be unlawful for any common carrier, its officers or agents, subject to this act to require or permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been relieved from duty after a continuous service of any period more than ten hours shall be required or permitted to go on duty again until he has had eight consecutive hours off duty.

SEC. 3. That any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof, shall be liable to a penalty of not to exceed $500 for each and every violation, to be recovered in a suit or suits brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge: *Provided*, That the provisions of this act shall not apply in any case where, by reason of unavoidable accident or act of God not known to the carrier or its agent in charge of such employee at the time he left a terminal, he is prevented from reaching his terminal within the time specified in section 1 of this act: *Provided further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains.

SEC. 4. That this act shall take effect and be in force six months after its passage.

[S. 5133, Fifty-ninth Congress, second session.]

An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Be it enacted, etc., That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period, to continue on duty or to go on duty without having had at least eight hours off duty within such twenty-four-hour period.

SEC. 2. That any such common carrier or any of its officers or agents violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of such violations as may come to its knowledge.

That to enable the Commission to execute and enforce the provisions of this act it shall have power to employ such inspectors or other persons as may be necessary. To enforce the provisions of this act the Commission and its agents or employees thereunto duly authorized by order of said Commission shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers. The Commission may also order depositions taken before

any officer in any State or Territory of the United States or the District of Columbia qualified by law to take the same.

The provisions of this act shall not apply to relief or wreck trains.

Passed the Senate January 10, 1907.

Attest:

CHARLES G. BENNETT, *Secretary.*
By H. M. ROSE, *Assistant Secretary.*

The SPEAKER. Is there objection to the request of the gentleman to extend his remarks by incorporating the minority report?

Mr. WANGER. There is one part of the request to which I must object, unless the gentleman is willing to make an exception. The language I allude to is in line 16 of the report of the minority and is not permissible under the rules of the House.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. WANGER. Except these words are stricken out in the sixteenth line.

Mr. ADAMSON. Mr. Speaker, it is unnecessary to remind my amiable friend from Pennsylvania—first, will he tell me what the words are?

Mr. WANGER. If the gentleman will look at the last word in line 16, the next line, and so much of line 18 as precedes the period, he will observe what the words are.

Mr. ADAMSON. What are they?

Mr. WANGER. I do not want to put them in the RECORD, because I contend that they have no place in the report and are not properly before the House.

Mr. ADAMSON. What is the language?

Mr. WANGER. They refer to the action of members of the committee in executive session.

The SPEAKER. This conversation is going on in the time of the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I have already yielded my time to another. This is a point made by the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania, then, objects to the request of the gentleman from Georgia.

Mr. ADAMSON. If he wishes to do that, he may. I will find means to do what I wish to do in another way.

Mr. RYAN. Mr. Speaker, this bill is entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon."

Now, Mr. Speaker, the first thing to consider is whether or not there is any necessity for this legislation. That question has been fully answered in the hearings before the Committee on Interstate and Foreign Commerce, and any Member of this House can satisfy himself as to the fact by reading the report on this bill.

The report on page 2 says:

The ever-increasing number of railroad accidents, with attendant loss of life and property, calls for remedial legislation so far as such legislation is within our power to grant and so far as the same is practicable. The Quarterly Accident Bulletins of the Interstate Commerce Commission, the data for which is entirely supplied by the railroads themselves, disclose a situation not creditable to their management. Casualties were reported as shown by the following table taken from Accident Bulletin No. 20, for April, May, and June, 1906:

	Passengers (a and b).		Persons carried under agreement, etc. (bb).		Total (a, b, and bb).		Trainmen.		Trainmen in yards.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Collisions	5	735	6	104	11	839	50	458	11	150
Derailments	15	507	1	51	16	558	52	329	3	39
Miscellaneous train accidents, including locomotive boiler explosions	..	16	..	4	..	20	11	215	..	49
Total train accidents	20	1,258	7	159	27	1,417	113	1,002	14	238
Coupling or uncoupling	..	.....	..	.....	.....	.....	21	274	14	159
While doing other work about trains or while attending switches	..	.....	..	.....	.....	.....	17	1,761	9	663
Coming in contact with overhead bridges, structures at side of track, etc	4	10	..	2	4	12	28	201	3	61
Falling from cars or engines or while getting on or off	37	456	..	16	37	472	65	982	20	502
Other causes	12	528	1	49	13	577	41	121	17	74
Total (other than train accidents)	53	994	1	67	54	1,061	172	3,339	63	1,459
Total all classes	73	2,252	8	226	81	2,478	285	4,341	77	1,697

Further on it says:

If the total casualties for the year 1906 be taken into account, they would be found greater than those resulting from the three days' fight at Gettysburg.

And again:

That long service of the most hazardous and exacting character is not conducive to safety numerous accidents fully attest. The attention of Congress and the country has been repeatedly called to the necessity and efficacy of legislation looking to the restriction of the hours of continuous labor of employees engaged in or connected with the operation of trains.

The President in three messages to Congress has recommended that legislation be enacted on this question.

The Interstate Commerce Commission in its eighteenth and nineteenth annual reports urge the necessity for legislation to prevent excessive hours of labor of railroad employees.

The report of the committee, on page 4, says:

The title of this bill indicates that it is designed to promote the safety of employees and travelers upon railroads. The fact that the statistics show that the number of employees killed and injured largely exceeds that of passengers makes pertinent the attitude of employees regarding the necessity and advisability of this legislation.

The following resolutions are therefore herewith presented:

"Resolution passed by the Brotherhood of Railroad Trainmen at its convention at Buffalo, N. Y., in the year 1905.

"Whereas a large number of railways are requiring their employees to work an excessive number of hours, thereby endangering their lives and those of the general traveling public: Therefore, be it

"*Resolved.* That we condemn such a practice and urge Congress to enact a law governing the number of hours of service to not exceed sixteen hours for all employees engaged in train and yard service, as a large number of accidents that occur on the railroads are directly or indirectly traceable to the fact that employees have been overworked."

"Resolution passed by the Brotherhood of Locomotive Engineers at its convention at Los Angeles, Cal., in the year 1904.

"Be it resolved, That the grand chief engineer be, and is hereby, instructed to present to all subdivisions, for signatures of their members, a petition addressed to the Congress of the United States, asking said Congress to enact a national law prohibiting the excessive hours that engineers on many roads are now held on duty. When said petitions are returned to the grand office, the grand chief is instructed to present the same to the Congress of the United States in such manner as he deems best."

Mr. Speaker, I believe that the foregoing show the urgent necessity for effective legislation on this subject, but notwithstanding that the representatives of various railroad systems appeared before the committee and opposed it. Now, is the bill reported by the majority of the committee and that we are now asked to pass under suspension of the rules the best we can do? I do not think so. This bill is called a "sixteen-hour bill," and the report of the majority purports to limit the hours of labor of railroad employees to sixteen in twenty-four, and then to provide for ten hours off duty.

I submit that their bill does not do that, but that it will permit the working of railroad employees thirty-four hours out of every forty-eight; in other words, the employees may only have six consecutive hours off duty every second day. I am in favor of saying in this act, in unmistakable language, just what we propose to do, and that is, not to permit any man engaged in train operation to work more than sixteen consecutive hours without having ten consecutive hours off duty, and after sixteen hours in the aggregate in any twenty-four to have eight consecutive hours off duty, with a proper provision for casualty. The large number of wrecks that are occurring daily in this country ought to be reduced to a minimum, and if we can in any degree reduce them by reducing the hours of labor of railroad employees, it ought to be done.

The gentleman from Wisconsin [Mr. ESCH] stated, among other things, that the representative of the railroad employees here in Washington was in favor of this legislation. I say that the Brotherhood of Locomotive Engineers and the Brotherhood of Railroad Trainmen and kindred organizations have passed resolutions in their national conventions asking for a sixteen-hour bill and not a bill such as this is. We are ready to vote for the La Follette bill, so called, that passed the Senate with but one dissenting vote, provided there is added to it an amendment regulating and reducing the hours of train dispatchers and operators. Mr. Speaker, on the question as to whether the railroad employees of this country are satisfied with this bill, I wish to say I have in my hand a letter from Mr. H. R. Fuller, the representative of these organizations in this city, which I will ask the Clerk to read and which I will place in the RECORD:

The Clerk read as follows:

H. R. FULLER,
216 NEW JERSEY AVENUE NW.,
Washington, D. C., February 18, 1907.

Hon. WILLIAM H. RYAN,
House of Representatives.

DEAR SIR: On behalf of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway

Conductors, and Brotherhood of Railroad Trainmen, having a membership of 250,000, I respectfully submit the following criticisms of the substitute reported by the Committee on Interstate and Foreign Commerce for Senate bill 5133, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon."

The word "knowingly," as it appears on page 4, line 3, and on page 5, line 6, to say the least, arbitrarily puts upon the Government the burden of proof that the carrier or its officers or agents knowingly violated the law. It is true that in section 3 the bill provides that "the common carrier shall be deemed to have had knowledge of all acts of its duly authorized agents," but the carrier could deny that the officer or agent was duly authorized for this particular purpose. In addition to this, it will render impossible in many cases the conviction of officers and agents of the carrier who are parties to and a part of a plan to permit employees to work longer than the limit prescribed in the bill. For instance, one officer could permit ten hours' service of an employee and withhold the information of such service from the next officer, who would then take charge of the employee and permit ten additional hours' service. As neither of these officers had knowledge of over ten hours' service, they could not be convicted.

The words "unless immediately prior to said twenty-four-hour period such employee had at least eight consecutive hours off duty, and during said period of twenty-four hours following had at least six consecutive hours off duty" as they appear on page 4, beginning in line 13, will permit of an employee being worked as high as twenty-four hours without rest, provided he is given five minutes off duty before sixteen of these hours have elapsed. This exception therefore does not only destroy the provision of the bill relative to accumulative service, but it also defeats the purpose of the provision relating to consecutive hours of service, for the reason that a carrier could prevent sixteen consecutive hours of service by simply breaking the sixteen-hour period with a few minutes off duty.

The exceptions in the first proviso in section 3 are too numerous and also improperly apply to the rest period. Barring relief and wreck trains, the carrier should not be permitted to require or permit an employee who has completed a trip to again go on duty without a sufficient number of hours of rest, and the exemptions in cases where employees are out on the road should be limited to delays caused by casualties occurring after they had started on their trip and to unknown casualties occurring before they started on the trip. The meaning of the word "casualty" is sufficiently broad enough to cover "unavoidable accidents" and "acts of God." Therefore those words should be stricken from this proviso. The words "nor where the delay was the result of a cause not known to the carrier or its agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen with the exercise of ordinary prudence," which appear in this proviso, are so susceptible of interpretation and application to railroad operation that under them delay from most any cause can be excused and the purpose of the law defeated. Then, too, "ordinary prudence" is not now considered a reasonable excuse for noncompliance with law, and this principle should not be changed in this statute.

Neither the carrier or its officers or agents are specifically required to comply with the provision regarding aggregate service which appears on page 4, lines 9 to 13. It says, "No such employee * * * shall be required or permitted to continue on duty, or go on duty, without having had at least eight hours off duty," but it fails to specify who it is that shall not require or permit him to do so.

The bill does not even make it a misdemeanor for a carrier to violate its provisions.

Another serious defect is that the bill provides no machinery for its enforcement. The Interstate Commerce Commission, according to its provisions, is the body selected to furnish evidence of violations, but it is given no power whatever to collect such evidence. In the railroad rate law the Commission is given the power to prescribe forms of reports, examine books and papers, and to do other necessary things looking to the enforcement of that act, and it should be here granted such powers as to the enforcement of this act.

The provision in section 3 which prevents district attorneys from bringing suit except when directed so to do by the Attorney-General is arbitrary and will cause delay, as it contemplates that the Attorney-General shall pass upon the evidence filed in each case before suit is instituted; and if violations of this law are as numerous as those of the safety-appliance law, hundreds of suits will be held back and delayed through this manner of procedure. Taking the safety-appliance law as a basis, the effect of this provision can be best estimated by the fact that at this time there are pending in the various district courts of the United States suits to recover for 500 violations of that law, and sixty more will be filed within the next few days. The only reason so far advanced for placing this provision in the bill is that it is necessary to prevent blackmail of railroad officers by their employees. This is an unfair reflection upon the railroad employees of the country and can not be justified. Out of the thousand suits brought for violation of the safety-appliance law there has not been one instance in which a railroad employee was accused of blackmail.

Section 5 provides that the act shall not take effect until one year after its passage. There is no good reason for this provision, as the principal thing to be done by railroad companies to comply with the law is to reduce the present excessive tonnage of their freight trains, and with this done, there is not a freight division in the United States which can not be covered in less than sixteen hours, and this can be done as easily in one day after the passage of the law as it can be in one year. Neither is there any good reason why one year should be allowed within which to adjust the hours of service of telegraph operators to that which is consistent with safety.

After a careful consideration of this substitute, we are of the opinion that if passed in its present form it would not only furnish no relief from the present evil of excessive hours of service of railroad employees, but it would also in many cases give sanction by law to such excessive hours; and I am therefore authorized by these organizations to express the hope that if no opportunity be given the House to vote separately on these objectionable provisions it will be defeated.

Yours, truly,

H. R. FULLER,
Legislative Representative.

Mr. DRISCOLL. I should like to know whether Mr. Fuller has authority to speak for the railway employees? I have not the highest opinion of Mr. Fuller, and I should like to know whether or not he has this authority?

Mr. RYAN. I believe that he has. I know he is a member of the Brotherhood of Railroad Trainmen and has authority to speak for them.

Mr. Speaker, the bill in its present form should not pass. It should be amended to meet the objections urged. The provision relating to train dispatchers and operators should be amended to provide for eight hours in offices continuously operated, and a maximum of twelve hours in offices operated only during daytime, with a proper provision for emergencies.

The provisions for enforcement are of doubtful construction, and this should not be. The language should be simple and effective. The law should be made to carry out the intention expressed in the title. I hope the bill as presented will be voted down in order that we may have an opportunity to vote for a bill that will reduce to a minimum the number of railroad accidents that are occurring in this country almost daily. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMSON. I yield to the gentleman from Alabama [Mr. RICHARDSON] four minutes.

Mr. RICHARDSON of Alabama. Mr. Speaker, I am rather disappointed, after the Committee on Interstate and Foreign Commerce has labored for days and weeks and months on this important subject, that it has presented this substitute now pending for the Senate bill. As I understand, Mr. Speaker, there are two primal and essential objects to be accomplished in this bill in order to carry out its beneficial purposes: One is to provide a plain and intelligible remedy against the evil of permitting common carriers engaged in the transportation of passengers by railroad from working their employees more than sixteen hours, and the other is to provide a plain and clear remedy for the enforcement of the penalties when the provisions of the law are violated. This substitute bill reported by the majority of the members of the Commerce Committee does not accomplish either one of these purposes. It really and truly is a bill of words of doubtful meaning, tergiversation, and evasion, and dodging responsibility. I say that, Mr. Speaker, dispassionately and without meaning to reflect on the motives or purposes of any one on the committee reporting the bill. I only desire to point out, Mr. Speaker, the difference between the La Follette bill (S. 5133), for which this bill of the majority was substituted, or the Esch bill (H. R. 18671), that was reported unanimously by the Interstate and Foreign Commerce Committee last May, on the subject of limiting the hours of service of employees working on railroads. If I can do this, then it will be readily understood why the minority members of the Interstate and Foreign Commerce Committee could not concur in the views of the majority. Of course we all realize the imperative necessity for legislation on these lines.

The protection of the lives of the people as well as the lives of the employees themselves is at stake. It is simply appalling to note in the public press the daily account of the loss of life by reason of some accident on railroads. No occasion for me to read from the accident bulletins of our Interstate Commerce Commission from 5 to 20, inclusive, which I have carefully read, which shows the casualties to persons during certain months—quarterly—from 1901 to the latter part of June, 1906. These bulletins were prepared under the authority of a law of Congress passed March 3, 1901, and the duty, I say, is pressing on Congress, after we are fully advised as to the awful destruction of human life in railroad accidents and its startling increase, to enact some law that will check, at least, such carnage. The law of March 3, 1901, was in effect but five years ending in June, 1906, and the quarterly reports by bulletins show that the total number of casualties up to June 30, 1906, is 70,934 (4,225 killed and 66,709 injured). I here refer, in this connection, to a table that I clipped from the Times of this city, issued this afternoon:

WRECK RECORD FROM AUGUST 1, 1906.

	Killed.	Injured.
Pennsylvania Railroad, August 19	77	7
Maine Central, August 25	1	3
Canadian Pacific, September 12	12	10
Rock Island, September 18	2	0
St. Louis and San Francisco, September 18	2	0
Boston and Albany, October 4	5	20
Pennsylvania Railroad, October 28	57	20
Baltimore and Ohio, November 12	47	38
Southern Railroad, November 29	7	11
Soo Line, December 23	10	31
Baltimore and Ohio, December 30	59	60
Oregon Short Line, January 1	1	2
Rock Island, January 2	35	40
Union Pacific, January 3	1	1

The reason I object to this substitute bill by the majority is because it fails signally to meet the demands of the situation. No hostility, actual or assumed, to railroads can be injected into

this measure or its consideration. It is a question of protecting the lives of the traveling public by administering proper punishment to a common carrier who requires or permits an employee to remain on duty so long that his physical senses are exhausted and he becomes unfit to discharge his responsible duties.

It occurs to me, Mr. Speaker, that it will certainly be in order for the Republican party to explain why it was that with such opportunities as the La Follette and the Esch bills offered them to get a real remedial bill, why did they turn and embrace and report this bill of the majority, which, to speak of it in mildest terms, is a travesty on what is demanded? It is truly "a sounding brass and a tinkling cymbal." It violates every known and established rule "that it is always best to express what you think, where others are concerned, in plain, simple, and easily understood words." The bill really fails to give any relief of the evil complained of—working employees on railroads more than, continuously or consecutively, sixteen hours—but as I fairly understand it, its tendencies are to legalize the act of the common carriers if they work their employees over the limit of sixteen hours.

If, Mr. Speaker, any political complexion has been given to this bill it is not the fault of the minority Democrats on the committee. Just a word more, Mr. Speaker, on the probability of securing legislation on this subject. The people can not be fooled and deceived as to where the blame rests. I congratulate the Democrats on the floor of this House that we have taken the firm and manly stand that we have refused to say that if we can not secure the success of our own views, at last and on the wind up we will vote for the measure of the majority. The minority of the members of the Interstate and Foreign Commerce Committee rejects this paralyzing and humiliating purpose. The bill of the majority is wrong. It is a makeshift. It abounds in words of doubtful meaning and means nothing but to temporize and mislead and evade and ought to be defeated.

Mr. Speaker, I said the Republican party will have to explain its action on this bill to the country. I mean by that that we are now in a few days of the adjournment of the last session of the Fifty-ninth Congress. Are the Republicans sincere in attempting to make the bill of the majority the law, or do they want any legislation on this subject? We all realize that in the few days left for work in this Congress it can hardly be expected that this bill will get through. If legislation were really wanted by the controlling party on this long-discussed subject, the bill (H. R. 18671) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, introduced by the gentleman from Wisconsin [Mr. ESCH], a member of the committee, and after investigation and hearing unanimously, by both Republicans and Democrats, favorably reported to the House on May 31, 1906, and placed on the Calendar, would be passed. This Esch bill is in every respect a better bill than the substitute bill offered by the majority. Section 2 of the Esch bill reads as follows:

SEC. 2. That it shall be unlawful for any common carrier, its officers or agents, subject to this act to require or permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been relieved from duty after a continuous service of any period more than ten hours shall be required or permitted to go on duty again until he has had eight consecutive hours off duty.

It will be seen that the limitation of sixteen consecutive hours on duty is plain and easily understood. Then the employee is entitled to ten hours' rest "off duty." If he has served not more than ten hours on duty then follows a rest of eight hours. The evidence in the hearings before the committee tended strongly to show that sixteen consecutive hours on duty would cover generally the divisions into which the trunk line railroads are divided. Another very important provision of this Esch bill is that the penalty of $500 imposed on the common carrier, or any officer or agent thereof, "*requiring* or *permitting*" any employee to go or remain on duty a longer period than prescribed shall be recovered by a suit brought in a Federal court having jurisdiction by the United States district attorney of that locality where the violation occurred.

It is true also that the Interstate Commerce Commission has the authority to lodge with the district attorney information of any such violation. This is but cumulative, and does not prevent the district attorney from taking the initiative. The La Follette bill (S. 5133) has this provision on the subject of the sixteen-hour limit:

Be it enacted, etc., That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip, or by unknown casualty occurring before he started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal; or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty; or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period to continue on duty or to go on duty without having had at least eight hours off duty within such twenty-four hour period.

I have called the attention of the House to the preceding provisions of the Esch and the Senate bills to emphasize the apparent difference between each of these bills and the substitute bill of the majority, now under consideration, on the vital and controlling points in legislation of this kind—the certainty of the hours on and off duty, and the quick, certain, and efficient mode of enforcing and collecting penalties. If the majority desired wholesome and remedial legislation, so earnestly demanded and necessary for the protection of the traveling public, either one of these bills could have been adopted. The La Follette bill passed the Senate on January 10, 1907, and on the 11th was referred to our committee. We can draw but one inference.

Now, Mr. Speaker, I will present in contrast the substitute bill touching the limitation of the sixteen hours, and I challenge anyone on this floor to interpret its meaning:

SEC. 2. That it shall be unlawful for any common carrier, its officers or agents, subject to this act to require or knowingly permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue on duty, or go on duty, without having had at least eight hours off duty within such twenty-four-hour period; unless immediately prior to said twenty-four-hour period such employee had at least eight consecutive hours off duty and during said period of twenty-four hours following had at least six consecutive hours off duty.

Can anyone on the floor of this House give that sentence a satisfactory construction? He can not do it. Why did they not take the La Follette bill, that makes it a plain sixteen hours, or the Esch bill? No; but this contains words of evasion and doubt, and no "Philadelphia lawyer," as the saying is, can lucidly construe that paragraph in this bill.

The House will note that the significant and undeterminable word "knowingly" is deftly inserted in the foregoing section of the substitute of the majority. This word does not occur either in the La Follette or Esch bills. I am aware that the argument is vigorously made that a man can not commit a crime unless he has the "intent." Does that properly apply to a statute of this kind, where the legislative intent is to punish a corporation of artificial existence for the protection of the lives of the people who travel on railroads? The common carriers keep the books, have supervision of all the working crews going in and out, know when the engineer and his crew have finished their run, and when they are to start out again. Ought not the party having this unquestioned control assume its responsibility—bear the burden of presumption imposed by law under such conditions?

Doubtless the majority of the committee feared the criticism that would be hurled at this word "knowingly," and they inserted in section 3 of their bill this remarkable language:

In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of its duly authorized agents.

I pause to ask, Mr. Speaker, who are the "duly authorized agents" of the common carrier? The burden of proof in the court would be on the Government to show affirmatively that the agent of the common carrier was specifically authorized to act at that time and in that case. It might be a divisible duty performed by more than one agent. The fact is, Mr. Speaker, the word "knowingly" being in this bill practically makes it impossible for the Government to convict. It is an obstacle in the path of the prompt and efficient enforcement of the provisions of the law. What is the mode prescribed for the recovery of penalties for the violation of the law? Section 3 of the substitute bill, line 13, page 5, reads:

And it shall be the duty of such district attorney, under direction of the Attorney-General, to bring such suits upon duly verified information being lodged with him; but no such suit shall be brought after the expiration of three years from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with

the proper district attorneys information of any such violations as may come to its knowledge.

For what reason, in the nature of justice, should all this circumlocution be injected into this proposed remedial relief? It only means a stumbling block—an impediment. It does not mean to facilitate proceedings arising in such cases. Oh, no; not that. It is not intended to promote or secure justice or its prompt administration. These worthy ends are not sought after. Why not leave the matter of the suits in the hands of the district attorney? Let him file the suits as is done in other matters.

Mr. SMITH of Kentucky. Will the gentleman yield?

Mr. RICHARDSON of Alabama. Yes; certainly, to the gentleman from Kentucky.

Mr. SMITH of Kentucky. If an employee was engaged for fifteen hours consecutively and they lay him off for two hours, then they could put him back again?

Mr. RICHARDSON of Alabama. Why, yes. The fact of the matter is that this bill, instead of providing a remedy for this evil against the employment or working of men on railroads more than sixteen hours, legalizes the violation of the law. It is, Mr. Speaker, a travesty on the relief sought. I ask any gentleman here what the construction is of this paragraph that I have read from the bill. Why, as I said, a Philadelphia lawyer could not work it out. Why not take the plain provision of the La Follette bill?

Mr. SULZER. Was it not the object of the gentleman who put this clause into the bill to kill the bill?

Mr. RICHARDSON of Alabama. Oh, I am not going to say anything about the purpose of any member of my committee; that would be an attempt to judge of my colleagues' motives. That I can not do. But I have a right to comment upon what I find in the bill. Mr. Speaker, it seems to me that it would have been wise to take the Esch bill, which was reported unanimously last May by the Committee on Interstate and Foreign Commerce, by both Republicans and Democrats, and which provided a simple, plain remedy, or the La Follette Senate bill. As the law applies throughout the country of the United States the district attorneys could have the complaints filed before them and they could act. What does this bill do? Why, it goes on all around the circle, goes to the Interstate Commerce Commission and then the Attorney-General and then finally comes back into the hands of the district attorney, and after all these different parties have given advice the district attorney can act. What kind of a remedy is that?

Let us read just one moment from the Esch bill:

> For each and every violation to be recovered in a suit or suits brought by the United States district attorney.

Now, that is the Esch bill. There is no Interstate Commerce Commission about that. No waiting on the Attorney-General about an humble employee being worked overtime. What available remedy is provided for the enforcement of the penalties in this bill to a plain, ordinary citizen, way down in South Carolina or in Alabama, if he has to send his case up to the Interstate Commerce Commission or to the Attorney-General of the United States. Why not let him go as we do in the Internal-Revenue Service or in various other laws throughout the country, go to the United States district attorney, and leave it in his hands to say whether a suit shall be prosecuted or not? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMSON. Will the gentleman yield some of his time?

Mr. ESCH. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eight minutes.

Mr. ESCH. I yield three minutes to the gentleman from Pennsylvania [Mr. WANGER].

Mr. WANGER. Mr. Speaker, we are all so familiar with the startling catastrophes of the country, and which seem to have been multiplied recently, that the need for effective protection of the public and of railway employees ought to be apparent to everybody. Some of these catastrophes occur from the too long employment of trainmen without opportunities for rest, but it is only a fraction of the entire number of that kind. However, that fraction involves so much of human life and of safety to limb that it ought to be corrected if it is possible through legislation, and there is not an instance of a catastrophe that has been cited to the committee having the measure in charge or otherwise, so far as I am aware, but what the excessive employment of the trainmen would not have been permitted under the provisions of the amendment which a majority of the committee offer, and I am very glad that the proposition before the House provides for a modification of the practice which prevails on some of the railways of employing telegraph and other operators who have to do with train movements from continuing them for longer than an eight-hour period. Of course the provision says nine hours, in order that there may not be any tie up between the change of employees and that the man going on may ascertain the condition of affairs from the man going off, but the provision really compels a three shift during the twenty-four hours instead of simply a double shift, which means twelve hours of employment; and the additional hour permitted is nothing more than a reasonable provision to secure a safe and certain execution of law and performance of duties by operators. Now, complaint is made about the insertion of the word "knowingly" in the act. What objection can there possibly be to it when we remember that many cases of catastrophes from a too long employment of the operative that that operative is on duty for such a long period because he has taken another man's turn? It certainly would not be just to punish a railroad company if a substitution of employees was made without the knowledge of the superintendent or other official supervising the operations of that particular part or section of the road.

In the interesting and ably conducted journal entitled "Charities and the Commons," for February 2, 1907, in an article entitled "The Death Roll of Industry," it is stated:

> In none of the other great groups of industry in the United States are equally complete and accurate statistics of accidents to employees gathered as in the first group, the railways. When the Interstate Commerce Commission made its first report, in 1889, it found that of the 704,743 railroad employees 1,972 were killed and 20,028 were injured, a total of 22,000 for the year. During the latest year for which statistics are complete, 1905, of the 1,382,196 railroad employees 3,361 were killed and 66,833 injured, a total of 70,194. In other words, though our railroads do not employ twice the number of men they did in 1889, they kill or injure nearly three times as many.
>
> Where one railroad man in 35.2 was killed or injured in 1889, now one in 19.7 is killed or injured. This startling change has been brought about by a more rapid increase in the number of injuries than in the number of deaths. One in every 414 railroad men lost his life in 1905, against one in every 367 in 1889 and one in every 486 in 1897.
>
> Railroading itself is nearly twice as dangerous as it was eighteen years ago and traveling on the railroad is more than twice as dangerous. The comparatively small number of accidents to passengers should not distract attention from the comparatively large number of accidents to employees, nor the comparatively smaller increase in fatalities from the large increase in injuries. It is no wonder that railroad employees have declared that "when soldiering is as deadly as switching, international disarmament will be at hand." It is not only switching that is dangerous—the chance of a railway mail clerk of coming through the year safely is 21 to 1. The engineer takes 1 chance in 9 that he will be injured before the year is over, and 1 in 120 that he will be killed. The men working in the yards, the conductors and brakemen, the porter who makes the berth, the boy who sells the magazines and newspapers, the man who handles the baggage, even the man at the crossing who signals the train with white or red flag—all face death every hour of the day.

Among the vast number of railway employees fidelity to duty is the rule, and yet the exceptions are sufficiently numerous to suggest the need of more strict discipline and self-preservation no less than fidelity to employer and the public will prompt vigilant railway employees to insist that their fellows having no more than reasonable hours of duty during each period shall be equally vigilant and faithful.

Great progress has been made in the adoption of devices to save life and limb, but nearly all of these contrivances depend for their efficiency upon the alertness and accuracy of the men controlling their operation. In the article mentioned, Mr. J. J. Hill is quoted as recently saying:

> Every time I undertake a railroad journey nowadays I wonder whether it is to be my last. The thing has grown to be uncertain. It is a fact of knowledge to every railroad man that in this day from two to three trains enter at times into every block of every system in the country. There is danger in it.

The tables of prominent train accidents presented in the quarterly bulletins of accidents, issued by the Interstate Commerce Commission, show a considerable percentage of collisions resulting from plain neglect of duty by railway employees, only a part of whom had been on duty for more than a reasonable number of hours. But that fraction is sufficiently large that it ought to be eliminated and work beyond the period of human effectiveness not be permitted even by agreement between the railway official and the employee; and the amendment reported by the majority is much better calculated to secure the desired result than the bill as passed by the Senate.

The proposed amendment in its first section conforms to the language of the interstate-commerce act, and is certain in its intent and relieves the prosecution of the difficulty of proving that the train on which the employee is engaged was carrying interstate or foreign freight or passengers, the burden of which is involved in the Senate bill.

It also clearly limits the maximum of permissible employment to sixteen consecutive hours, and also as clearly requires that after sixteen consecutive hours on duty there must be at least ten consecutive hours off duty; whereas the Senate bill does not declare when the ten hours off duty may be essential.

The amendment also requires that where stations are continuously operated night and day no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine consecutive hours in any twenty-four hour period.

The latter provision is probably the most material in the measure. Statistics of the number of railway companies that only have two shifts of operatives during twenty-four hours of duty are not available, but on at least a considerable number of lines having the heaviest traffic this is the rule. A very considerable percentage of train accidents result from the errors of operators giving or transmitting train orders, and while such errors can not be entirely eliminated they may be greatly reduced if the operator is only permitted to be on duty during the number of hours that he can most effectively labor. A sufficient number of competent operators can not probably be immediately secured, but as the bill is not to go into effect until a year after its passage abundant time is afforded to provide for the change.

The postponement of the operation of the bill for a year is not an unreasonable provision, as the sixteen-hour limitation will require great changes on some of the railway systems, including the building of roundhouses at new points and other constructions, reasonably requiring that length of time.

The gentleman from New York [Mr. DRISCOLL] inquired whether the brotherhoods of railway employees favored the Senate bill or the committee amendment. The brotherhoods have not had pointed out to them as yet the just criticism to the Senate bill, nor have they had any opportunity to consider the committee amendment. Their membership in the main is just, reasonable, and intelligent; and when the provisions of the two propositions are fully considered by them there can be no question of their final approval of the amendment. The Brotherhood of Railway Telegraphers is entitled to consideration, and its wishes are wholly ignored in the provisions of the Senate bill.

Experience alone can demonstrate the legal provisions which will effectively safeguard the lives and limbs of railway employees and the traveling public. The committee amendment seems to best meet the probable needs of the situation without paralysis to railway operation, and we feel is a long step in the right direction and the safest step that can be taken at present.

Railway managers are animated by the same humane impulses that dominate other mortals, and the interests of the companies they control prompt them to seek to avoid losses. And, like other human beings, they are sometimes slow in adopting new methods and shrink from the incurrence of radical changes of system because of expense or of partiality for methods they have long used. An occasional prod therefore becomes advisable and seems to be appropriate at this time for some of them, and calls for this legislation. It is proper that their attention should be called to the instances where inefficient persons have been placed in charge of stations to receive and transmit orders for train movements. Youths should be very alert, but they should be thoroughly instructed in the duties to be performed and not be permitted to sleep at their posts or otherwise fail in efficiency and bring to premature death or disability the employees and passengers upon trains which are brought into collision by their neglect or ignorance.

During the delivery of Mr. WANGER'S remarks the following occurred:

The SPEAKER. The time of the gentleman has expired.

Mr. WANGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WANGER. I submit the following table from Accident Bulletin No. 19:

Causes of forty-six prominent train accidents (Class A).

[NOTE.—R stands for rear collision; B, butting collision; M, miscellaneous collisions; D, derailment; P, passenger train; F, freight and miscellaneous trains.]

COLLISIONS.

No.	Class.	Kind of train.	Killed.	Injured.	Damage to engines, cars, and roadway.	Reference to record.	Cause.
1	B	P. and F.	1	36	$2,260	8	Freight stalled in snow; terrible wind and storm. Flags and torpedoes failed to attract attention of engineman of passenger train.
2	B	F. and F.	3	6	2,695	71	Conductor of train running north on south-bound track failed to arrange for protection; flagman mismanaged when conductor was absent; engineman failed to test air brakes; block-signal operator gave false clear signal.
3	R	P. and F.	0	0	2,700	30	Milk train disregarded block signal; engineman discharged; conductor of standing freight train discharged for not flagging; fireman suspended for failing to observe fixed-signal indication.
4	B	P. and F.	0	11	3,000	10	Men in charge of passenger train failed to correctly identify freight standing on sidetrack; occurred in daylight.
5	B	P. and F.	1	0	3,200	67	Occurred in blizzard 4 a. m.; telegraphic communication being interrupted, trainmaster gave orders by telephone. (See note in text below.)
6	B	F. and F.	1	0	3,635	13	Operator accepted meeting order after the train addressed had passed his station. Occurred 5 a. m.
7	R	F. and F.	0	6	4,400	59	Engineman asleep; other members of crew neglected to notice that he approached station too fast; all these men on duty 15½ hours.
7a	B	P. and P.	0	49	4,832	61	Engineman overlooked or confused orders. (See note in text below.)
7b	R	P. and F.	0	40	5,000	1	Block-signal man went off duty without giving proper information to his successor.
8	R	F. and F.	0	3	5,440	31	Runaway on steep grade; engineman and fireman asleep. Both on duty long hours. (See note in text below.)
9	B	F. and F.	2	3	5,800	12	Dispatcher, 18 months' experience, on duty 5 hours, gave meeting order first to inferior train and forgot to hold the superior.
10	R	F. and F.	0	0	6,000	32	Excessive speed under permissive signaling.
11	M	P. and P.	1	12	6,245	41	Train of empty passenger cars in yard disregarded stop signal; crossing collision; one passenger in smoking car killed.
12	B	F. and D.	0	2	7,442	14	Mistake in identifying extra train standing on side track.
13	R	P. and P.	5	4	9,400	28	Runaway train; engineman and fireman driven from cab by steam from burst injector pipe; brakeman opened conductor's valve, but too late.
14	R	F. and F.	0	2	9,900	57	Standing train not protected; approaching train not under control; wreck led to derailment No. 15. (See below.)
15	B	F. and F.	1	3	10,002	72	Conductor and engineman eastbound receiving order to meet westbound No. 35 proceeded to execute it with such exclusive attention that they forgot an order previously received to meet No. 71.
16	M	F. and F.	1	0	11,000	100	Runaway on descending grade; train consisted of 25 cars air-braked and 9 not air-braked, with 2 engines.
17	B	P. and P.	3	29	12,191	34	Northbound train running 15 minutes late by dispatcher's order failed to wait 3 minutes at meeting station, as per rule.
18	B	P. and P.	1	18	13,000	35	Conductor and engineman southbound, reading register, failed to note that opposing northbound train had carried green signals.
19	B	P. and F.	3	20	14,000	9	Engineman of empty engine forgot schedule of passenger train.
20	B	P. and F.	3	12	14,000	37	Conductor and engineman of freight neglected to identify passenger train at meeting point.
21	R	F. and P.	5	5	15,000	29	Runaway freight cars; had been left standing on grade with only air brakes to hold them; men in charge of train on duty 15½ hours.
22	M	P. and F.	1	7	16,789	43	Cars of freight train left standing on siding (1 a. m.) while engine was switching ran out on main track and met passenger train.
23	R	F. and F.	0	0	17,000	3	Air brakes ineffective; angle cock had not been opened behind third car.
24	B	P. and P.	2	36	17,789	36	Runner of empty engine miscalculated time and place to meet opposing passenger train.
25	B	P. and F.	4	18	18,000	6	Signalman gave false clear-block signal. (See note in text below.)

Causes of forty-six prominent train accidents (Class A)—Continued.

COLLISIONS—continued.

No.	Class.	Kind of train.	Killed.	Injured.	Damage to engines, cars, and roadway.	Reference to record.	Cause.
26	B	P. and P	1	39	$19,630	62	Agent and operator failed to deliver order to east-bound train; operator, 27 years old, 2 months' experience, went off duty without informing agent that there were orders to deliver to 2 trains; agent delivered to only 1 train.
27	B	P. and P	3	8	20,000	5	Eastbound train ran past meeting point; engineman forgot order; conductor, taking up tickets, discovered engineman's error, but not soon enough.
28	B	F. and F	3	3	27,000	70	Engineman westbound forgot about one of two eastbound trains he was to meet; conductor and two brakemen slept while waiting at meeting point and assumed engineman had waited for two trains.
29	B	P. and P	34	24	51,249	63	Operator, 2 a. m., on duty 19 hours; accepted order after train had passed. (See note in text below.)
Total collisions			79	396	358,599		

DERAILMENTS.

1	D	P	1	2	$2,000	19	Movable-point frog out of place, rod having been broken. Signalman held blameworthy for not having discovered the fault by the lightening of the load on the lever.
2	D	P	0	0	2,100	25	Switch maliciously misplaced; speed of train 65 miles an hour, yet no injuries reported.
3	B	F	0	0	2,300	24	Broken wheel, due to sticking of brake, caused by defect in triple valve.
4	D	P	0	40	2,500	95	Unexplained; speed, 35 miles an hour; 3 cars overturned.
5	D	F	10	17	2,500	92	Work train carrying laborers derailed at culvert washed out by flood. Water in creek was raised suddenly by melting of snow; ice gorge filled opening beneath track, and water then found its way to culvert 1,000 feet east of bridge.
6	D	F	1	1	3,732	82	Worn tires on driving wheels of engine, combined with slight overelevation of stock rail of switch.
7	D	P	1	28	6,512	93	Switch loosened by mail bag thrown off from car, breaking switch stand.
8	D	P	0	25	9,917	74	Rails spread; track in "fair" condition; curve 6°; superelevation, 6 inches; weight of engine, 87½ tons; speed, 45 miles an hour.
9	D	P	0	10	10,725	91	Washout caused by river changing its course after a rain storm; engineman was not properly observing slow order.
10	D	P	0	48	11,735	76	Broken rail; internal defect.
11	D	P	0	5	13,500	47	Unexplained.
12	D	P	3	5	16,600	89	Washout.
13	D	F	0	5	17,500	49	Runaway on 3½ per cent descending grade; train of 52 cars was started from summit too rapidly. Engineman's experience, 4 years as fireman and 2 months as engineman.
14	D	P	2	2	18,800	88	Occurred 11 a. m.; burned bridge.
15	D	P	2	20	42,700	87	Accidental obstruction; westbound track obstructed by wreck due to rear collision a moment before on eastbound track. (See collision No. 14.)
Total derailments			20	208	163,121		
Total collisions and derailments			90	604	521,720		

Also the following from Accident Bulletin No. 20:

Causes of thirty prominent train accidents (Class A).

[NOTE.—R stands for rear collision; B, butting collision; M, miscellaneous collisions; D, derailment; P, passenger train; F, freight and miscellaneous trains.]

COLLISIONS.

No.	Class.	Kind of train.	Killed.	Injured.	Damage to engines, cars, and roadway.	Reference to record.	Cause.
1	R	F. and F	0	0	$700	2	Approached station too fast; misjudged distance.
2	R	F. and F	1	4	2,187	21	Too high speed in fog. Engineman did not see flagman. Engineman, who was killed, had been on duty 17 hours 30 minutes.
3	B	P. and P	0	38	2,500	49	Operator omitted two words in writing a meeting order.
4	B	P. and P	10	28	4,000	22	Pilot misinterpreted dispatcher's order. (See note in text below.)
5	B	F. and F	1	5	4,000	27	Operator failed to deliver order. (See note in text below.)
6	R	P. and F	0	1	4,436	51	Engineman, 27 years' experience, ran past automatic signal indicating stop.
7	R	P. and F	1	21	4,800	23	Clear block signal given to passenger train while an empty engine was in block section. (See note in text below.)
8	R	F. and F	0	2	6,200	50	Engineman ran past automatic signal indicating stop. Brakeman riding on engine discharged for not seeing signal and taking measures to stop train.
9	B	P. and F	0	23	7,000	47	Operator, 3 months' experience, failed to deliver dispatcher's order.
10	B	P. and P	1	10	10,377	48	Men in charge of south-bound train overlooked meeting point.
11	B	F. and F	1	4	10,082	53	Conductor, engineman, and whole crew (on duty 16 hours) overlooked meeting orders; orders delivered to them only 30 minutes before.
12	B	F. and F	0	1	12,000	28	Conductor and engineman, east bound, misread orders.
13	B	P. and P	0	5	12,050	45	North bound encroached on time of south bound.
14	B	P. and F	0	30	14,579	57	Signalman failed to put block signal in stop position after passage of work train. (See note in text below.)
Total			15	187	101,011		

DERAILMENTS.

1	D	P	1	8	$1,255	11	Two cars of a passenger train having been detached at a junction ran back down grade and were derailed at a curve. Brake connections defective; one bolt missing; one hook so weak that it straightened out. Brakeman set hand brakes, but these defects thwarted his work.
2	D	F	0	0	2,800	59	Ran off derailing switch. Air brakes inoperative; brake-pipe cocks had been maliciously closed in three places; conductor had not properly tested air brakes.
3	D	F	0	0	5,110	17	Air brakes failed on steep grade; brake pipe found closed near engine; cause not explained. Engineman disobeyed rule to stop at head of grade.
4	D	F	1	1	6,500	58	Air brakes failed on 3.4 per cent grade. Brakes not tested after detaching helping engine; conductor and engineman discharged; conductor's service, as such, 3 months; engineman's service, as such, 2 months.
5	D	P	9	18	6,710	40	Unexplained. Speed, 12 miles an hour. A switch at the point of derailment found broken may have been the cause.
6	D	P	0	4	7,825	14	Overhead bridge burned and fell on track.
7	D	P	0	0	8,000	38	Rail maliciously misplaced, presumably by dissatisfied track laborers.
8	D	F	0	0	10,000	67	Loose wheel.

Causes of thirty prominent train accidents (Class A)—Continued.

DERAILMENTS—continued.

No.	Class.	Kind of train.	Killed.	Injured.	Damage to engines, cars, and roadway.	Reference to record.	Cause.
9	D	P	0	2	$10,000	43	Unexplained. Speed, 50 to 60 miles an hour on 1 per cent descending grade. Derailment occurred on bridge; track in good condition.
10	D	P	1	35	11,000	63	Misplaced switch; left misplaced by men of freight train over an hour before. (See note in text below.)
11	D	P	0	21	12,500	64	Excessive speed on road not well ballasted.
12	D	F	0	0	13,400	32	Steel dump car with top-heavy load; speed 30 miles an hour.
13	D	F	2	2	16,000	12	Runaway; air brakes ineffective. Conjectured that angle cock had been closed purposely or accidentally by a tramp.
14	D	F	0	3	18,600	33	Runaway on 3 per cent grade. (See note in text below.)
15	D	P	0	0	21,700	72	Open draw. (See note in text below.)
16	D	P	0	2	27,900	4	Ran into wreck of freight trains. (Collision No. 1.)
Total			14	96	179,300		
Total collisions and derailments			29	283	280,911		

Also the following from Accident Bulletin No. 21:

Causes of forty-five prominent train accidents (Class A).

[NOTE.—R stands for rear collision; B, butting collision; M, miscellaneous collisions; D, derailment; P, passenger train; F, freight and miscellaneous trains.]

COLLISIONS.

No.	Class.	Kind of train.	Killed.	Injured.	Damage to engines, cars, and roadway.	Reference to record.	Cause.
1	R	F. and F	2	2	$440	86	Two passengers killed in freight caboose. Train standing at station (1 a. m.) with indistinct tail lights.
2	M	P. and F	0	0	600	15	Collision at crossing. Signalman disconnected interlocking so that signals could be set clear for both roads at the same time and went out for a social evening. While he was gone, yard men disobeyed his verbal instructions not to enter upon the crossing.
3	B	F. and F	1	16	2,300	45	Conductor of work train failed to arrange for flag protection; 16 laborers injured.
4	R	F. and F	0	0	2,535	78	Block-signal operator became confused and gave false clear signal; engineman approached station, disregarding rule to run under control.
5	R	P. and F	0	3	2,700	53	Flagman mistook whistle signal to go out, interpreting it to mean come in.
6	R	F. and F	0	1	3,000	4	Automatic block signal showed clear falsely; cause not discovered, but believed to be residual magnetism due to lightning.
7	R	P. and F	2	6	3,045	64	Wrong signal given at interlocking. (See note in text below.)
8	B	F. and F	0	4	3,113	99	Extra train, waiting on side track for two trains, started out after passage of one train; had answered whistle signal of the passing train.
9	R	F. and F	7	16	3,420	61	Fast running under permissive block signal. (See note in text below.)
10	B	F. and F	2	3	3,600	51	False clear block signal. (See note in text below.)
11	R	F. and F	1	2	3,700	57	Occurred 3 a. m. Signalman at B (3 months' experience) gave false clear signal. The signalman at C, a man of 6 months' experience, claims that he told B to gave a permissive signal. The flagman of the leading train was killed while sitting in his caboose.
12	B	F. and F	0	4	3,700	97	Operator, with 4 train orders in his possession, delivered wrong one to a conductor; had sent conductor's signature to dispatcher before train arrived.
13	B	F. and F	1	2	3,720	6	Butting collision of extra trains. Dispatcher (4 years' experience) forgot both and sent meeting orders to neither,
14	M	F. and F	0	2	3,930	41	Cars broke away from rear of train and ran back down grade. (See note in text below.)
14a	B	F. and F	0	2	3,980	89	Error in order. Dispatcher sent it "Right over 27." Operator, 20 years 9 months of age, copied it "Right over 25," and dispatcher did not detect wrong repetition.
15	B	P. and P	2	5	4,200	80	Mistake in order. Receiving operator omitted two words, and dispatcher failed to check the error in the repetition.
16	R	F. and F	2	0	4,900	90	Inefficient flagging; train approached station not under control. Men on leading train on duty 22 hours; on following train 19 hours.
17	B	F. and F	0	1	5,013	55	Continued trip after losing right to road by being 12 hours late. Engineman 1 month in service; conductor, 4 months.
18	M	F	1	2	6,500	46	Train parted; rear portion ran into forward; 32 cars in train, only 10 air-braked. Conductor intrusted making up of train to brakeman; this brakeman killed.
19	R	P. and P	3	36	7,035	95	Failure of air brakes. Angle cock closed in middle of train. Report says cause unknown.
20	B	F. and F	0	0	7,880	54	Engineman overlooked meeting order. (See note in text below.)
21	B	F. and F	1	5	10,000	60	Mistake in writing name of station in train order. Operator (experienced) can not explain.
22	M	P. and F	4	35	11,000	91	Freight train switching on main track on time of passenger train.
23	B	F. and F	4	2	12,000	13	Engineman, southbound, overlooked meeting order; conductor slow in applying brakes.
24	M	P. and P	2	3	12,750	81	Passenger train on siding drifted out onto main track while engineman was reading orders; train struck by express train passing in same direction.
25	M	P. and F	0	3	12,800	79	Freight train on siding broke in two; 14 cars ran back down grade. Conductor and brakeman tried to stop cars, but brakes were defective.
26	B	F. and F	7	1	13,450	92	Engineman overlooked orders; engineman and conductor killed. A brakeman called engineman's attention, but while he read order to verify brakeman's assertion collision occurred.
27	M	F. and F	0	0	13,600	94	Collision at meeting point. South-bound approached not under control. (See note in text below.)
28	B	P. and F	17	56	14,500	12	Confusion of orders. (See note in text below.)
29	B	F. and F	2	5	15,000	3	Conductor, engineman, and flagman forgot meeting order. Flagman had signed for conductor; conductor asleep in caboose at time of collision.
30	B	F. and F	2	4	16,083	8	Misinterpretation of orders; conductor and engineman on duty 18 hours; used main track until 9.30 when order gave them only till 9.
31	R	F. and F	0	0	16,835	87	Train stalled 35 minutes failed to flag. Men on duty 14 hours 35 minutes.
32	B	F. and F	3	5	29,200	98	Conductor and engineman of extra train overlooked regular.
Total			66	226	256,529		

DERAILMENTS.

1	D	P	0	7	$2,600	35	Misplaced switch. Switch tender, having several switches to watch, forgot this one; on duty 18 hours, the yard being short of men.
2	D	F	0	1	4,050	33	Passenger car and 9 freight cars ran away down steep grade. Conductor and brakeman carelessly left cars with hand brakes not properly set.
3	D	P	0	12	5,100	20	Track out of gauge ½ inch; engine swayed so violently as to break a splice bar. Speed, 50 miles an hour; center of boiler 9 feet 6 inches above rail.
4	D	F	0	3	5,700	105	Freight cars ran back down 3 per cent grade; brakeman neglected to set enough hand brakes.
5	D	P	0	32	6,000	106	Washout; 5.45 a. m.; section foreman blamed for not going out promptly in storm.

Causes of forty-five prominent train accidents (Class A)—Continued.

DERAILMENTS—continued.

No.	Class.	Kind of train.	Killed.	Injured.	Damage to engines, cars, and roadway.	Reference to record.	Cause.
6	D	P	2	4	$7,000	115	Open draw; engineman (good record) killed.
7	D	P	0	36	8,200	102	Ran into burning trestle bridge, 6.50 a. m.; fire probably set by spark from a locomotive.
8	D	F	2	2	8,780	34	Runaway on steep grade; engineman lost his head and did not recharge air reservoir.
9	D	F	0	0	11,600	21	Bridge knocked down by boom of steam shovel.
10	D	P	7	40	18,265	23	Excessive speed.
11	D	P	5	60	38,000	108	Pile bridge weakened by high water. Bridge rebuilt in 1904; 17½ feet high, spans 15 feet.
12	D	P	9	43	57,300	101	Misplaced switch. Switch light not burning, having been extinguished by high wind. Train approached at 60 miles an hour.
Total derailments			25	240	172,595		
Total derailments and collisions.			91	466	429,124		

Mr. WANGER. I present the foregoing tables as indicating the general character of the reports of accidents received by the Interstate Commerce Commission, and their various causes.

In a letter to me from the able and experienced secretary of the Interstate Commerce Commission, Mr. Edward A. Moseley, he says:

The necessity for limiting the hours for telegraph operators and others having to do with the receipt and transmission of train orders is apparent. We are unable to give complete information as to the number of hours worked by telegraph operators, for the reason that the reports furnished by the railroad companies do not in all cases specify the hours of labor with respect to telegraph operators.

Mr. Moseley has furnished me with the following summary:

Cases reported in accident bulletins of the Interstate Commerce Commission showing collisions due to mistakes of telegraph operators.

BULLETIN No. 2.

Record No.	Killed.	Injured.	Damage.	Cause.
14			$2,500	Dispatcher gave conflicting orders.
12		9	2,985	Mistake in telegraphic order.
15			4,900	Operator failed to deliver order.
4	1		7,400	Operator delivered an order not correctly written; had been in service 6 months.
7			7,500	Operator (5 years' experience) failed to deliver telegraphic order.
6	4		8,200	Mishandling of orders by dispatcher and operator.
13		12	9,200	Operator (of 5 years' experience) neglected to deliver order; had been on duty 10 hours.
36	1		9,500	Order not delivered. Day operator went off duty without notifying night operator that an order was on hand to be delivered.

BULLETIN No. 3.

8	1	3	$1,571	Block signal set at clear when block section was not clear.
4	4	5	3,800	Do.
13	1	2	4,000	Do.

BULLETIN No. 4.

19		2	$5,400	Error of train dispatcher; a man of 16 years' experience; had been on duty 5 hours.
15	5	4	9,300	Conductor of passenger train misinterpreted order, and engineman apparently took conductor's interpretation. Operator wrongfully delivered a clearance card.
18	1	3	9,800	Block signalman gave clear signal when the block section was not clear.

BULLETIN No. 5.

5	1	5	$11,148	Telegraph operator received message reading 1155, copied it 1105, but in repeating it wrote 1155. Operator's experience, 2 years.
50	4	4	12,000	Mistake of block-signal operator; also engineman (running under permissive signal) neglected to keep good lookout.

BULLETIN No. 6.

38		2	$6,000	Telegraph wire broken; dispatcher sent order by roundabout telephone line, but neglected to issue duplicate order on his own side of the break; a man of 3 weeks' experience at this point but with a good record on other roads.
55	1	1	6,700	Operator failed to deliver order and failed to notify dispatcher; conductor and engineman failed to get a clearance card; dispatcher failed to note lack of signature to order. Operator's experience, 3 years, but in this place only 3 days; dispatcher 6 months' experience at this point; several years elsewhere.

Cases reported in accident bulletins, etc.—Continued.

BULLETIN No. 6—Continued.

Record No.	Killed.	Injured.	Damage.	Cause.
36		18	$9,980	Operator failed to deliver meeting order; cleared signal (ignoring presence of order) only 21 minutes after he had received it.
9	1	27	20,651	Operator failed to deliver order; told dispatcher he had signature of conductor when conductor had not arrived; appear to have confused two or more orders relating to different things. Operator 19 years old; in service of company 3 years in different capacities.

BULLETIN No. 7.

16	8	30	$79,450	Occurred 3 a. m.; operator failed to deliver telegraphic order; operator's experience in this place, 2 months; elsewhere, 5 years.

BULLETIN No. 8.

23	1	2	$3,000	Signal allowed two trains in same block section.
10			5,600	Error of train dispatcher; duplicate-order system not in use; dispatcher 47 years old; experienced.
8		1	5,894	Error of train dispatcher; gave lap order.
29		6	8,500	Mistake of operator in copying telegraphic order; operator's age, 18; experience, 6 days as operator, 15 months as apprentice.
42		45	9,000	Operator gave conductor clearance card and neglected to give him telegraphic order; operator's experience at this place, 3 months.
7	2	10	10,900	Station agent (32 years' experience) failed to deliver telegraphic order; signal stood normally in "stop" position; agent cleared with order lying before him on desk.
49		9	12,300	Operator neglected to deliver telegraphic order.
30	7	2	31,000	Operator fell asleep and failed to deliver telegraphic order; conductor and engineman neglected to ask for clearance card.

BULLETIN No. 9.

21	1	20	$2,000	Clear block signal given while the preceding train was still in the block section. Signalman 20 years old.
31	2		7,566	Operator failed to deliver telegraphic order. Operator in service at this place 7 days; other places 2 years; age 23.
68		3	10,000	Dispatcher sent telegraphic order reading 5.20 p. m. Operator copied it 5.30. Dispatcher claims that when the order was repeated this error was corrected, but this the operator denies.
29	4	4	18,109	Operator made mistake in copying telegraphic order. Dispatcher failed to discover error on repetition.

BULLETIN No. 10.

11		2	$21,000	Engineman disregarded meeting order; operator at meeting point had copy of order, but failed to stop train; engineman's experience as such, 9 months; operator's experience, 12 days.
34	6	5	26,900	Mistake of operator in writing order and recklessness of conductor and 2 enginemen. Damage largely due to fire and explosion. (Explanation in text.)

Cases reported in accident bulletins, etc.—Continued.

BULLETIN No. 11.

Record No.	Killed.	Injured.	Damage.	Cause.
59		3	$2,300	Dispatcher (experienced and with good record) overlooked orders. Age, 32 years.
14		3	5,000	Operator (8 months' experience) failed to deliver order.
57	1	8	7,400	Operator failed to notify south-bound train that a north-bound train, first section, had brought signals to that point for a second section.
60	2	1	8,730	Operator signed order but then failed to deliver it; expected conductor to come into office for clearance card, but conductor neglected this duty. Both experienced men.

BULLETIN No. 12.

3		1	$2,200	Block-signal operator experienced, gave clear signal when block section was not clear.
57	3	3	3,025	Operator failed to deliver meeting order.
29		3	13,000	Mistake of dispatcher. Sent conflicting orders when he could and should have used the "duplicate form," sending the orders to the two trains in the same words.
8	1	5	15,000	Operator (experienced) reported that a train had not passed, when in fact it had, thereby leading to the delivery to another train of an order which caused the collision.
49		2	20,000	Block signalman admitted west-bound train to section occupied by an east-bound train.

BULLETIN No. 13.

51		2	$2,100	Operator, 27 years old, with good record, gave clear block signal before preceding train had vacated block. He had fallen asleep and failed to put signal at stop after passage of train.
56		17	3,135	Mistake in dispatcher's order. Operator, 15 months' experience, delivered order before repeating it back to dispatcher.
2	16	52	3,700	Operator gave clear block signal when preceding train was still in the block.
35	1	9	4,000	Operator, 24 years old, in service 2 months, overlooked order to hold extra train, order lying on desk covered by other papers.
11		2	6,086	Dispatcher, 18 months' experience, gave meeting order to one train only, disregarding the duplicate rule.

BULLETIN No. 14.

47	1	1	$500	Operator gave clear block signal when block was not clear.
57		6	6,100	Confusion of dispatcher's order.
35	2	1	7,482	Dispatcher, experience 4 months as dispatcher, 4 years as operator, sent meeting order to only one of two trains.
36		4	17,600	Agent, 2½ months' experience, failed to deliver dispatcher's order.
32	10	31	34,200	Operator, recopying dispatcher's order, made it read 1 hour 50 minutes instead of 1 hour 30 minutes. According to rule should have traced second copy from first.
48	8	25	36,300	Operator (experienced) failed to deliver meeting order. Evidently acknowledged order to dispatcher without setting his signal in the stop position.

BULLETIN No. 15.

29	1	8	$2,300	Dispatcher's meeting order incorrectly copied by one of three operators, though repeated to dispatcher correctly. Stop signal was displayed at the meeting order, but engineman, holding incorrect order, ran past this signal 400 feet. Dense fog.
31		7	3,133	Operator, 4 months in this place and 4 months in telegraphic work elsewhere, delivered clearance card instead of meeting order. This operator at the meeting point was to have delivered clearance to the other train if it had arrived first. In sending a meeting order to the meeting point a dispatcher should direct operators to take special precautions, but failed to do so.
62	2	2	4,800	Operator in service 3 weeks; experience elsewhere, 1 year; wrote name of wrong station in meeting order.
36		2	5,000	Operator neglected to deliver order. Both engines had electric headlights, and one engineman admitted he had seen the other engine's light several miles away, but thought it was on a sidetrack.
34		1	5,800	Block signal operator, 16 years' experience, turned east-bound freight into siding against west-bound empty engine, having forgotten about presence of empty engine.
33		19	7,350	Block-signal operator gave yard engine time against passenger train after dispatcher had refused to do so. Passenger train approached at unauthorized speed.

Cases reported in accident bulletins, etc.—Continued.

BULLETIN No. 16.

Record No.	Killed.	Injured.	Damage.	Cause.
20		4	$6,000	Train dispatcher, 18 months' experience, gave conflicting orders to 2 extra engines, both of them running as empty trains.
48	1	6	7,000	Dispatcher gave conflicting orders to extra freight trains.

BULLETIN No. 17.

39		20	$8,600	Dispatcher gave order, "No. 1 will run 2 hours late;" should have said "2d No. 1;" did not send order to all interested stations at once.
82	1	3	11,200	Operator failed to deliver order to east-bound freight.
6	1	6	14,923	Mistake in copying train order.
83	4	3	15,000	Signalmen, each 6 months' experience, admitted opposing freight trains into controlled manual block section on single track.

BULLETIN No. 18.

26			$3,000	Signal operator, 2 weeks in service, gave passenger train clear block signal when block section was occupied.
8	2	3	4,517	Failure to deliver dispatcher's order.
39	2	1	4,981	Operator asleep; awoke when called by conductor, delivered 3 orders, forgetting the fourth.
40	1	4	5,120	Dispatcher gave conflicting orders to two passenger trains. Man in charge of one of the trains disregarded rule to get a clearance card at a preceding station.
33		2	6,000	False clear block signal given. Also engineman approached station carelessly; saw tail lights of a standing train, but assumed they were on a parallel track of another railroad. Signalman in service here 5 days, elsewhere 2 years. Had long experience as telegraph operator.
9		3	23,015	Mistake by dispatcher.
2	2	67	29,700	Dispatcher claimed to have sent a meeting order, which operator denies having received. No evidence to prove either statement.

BULLETIN No. 19.

13	1		$3,635	Operator accepted meeting order after the train addressed had passed his station.
12	2	3	5,800	Dispatcher, 18 months' experience, on duty 5 hours, gave meeting order first to inferior train and forgot to hold the superior.
62	1	39	16,630	Agent and operator failed to deliver order to east-bound train. Operator 27 years old, 2 months' experience, went off duty without informing agent that there were orders to deliver to 2 trains. Agent delivered to only 1 train.
63	34	24	51,249	Operator, 2 a. m., on duty 19 hours, accepted order after train had passed.

BULLETIN No. 20.

49		38	$2,500	Operator omitted two words in writing a meeting order.
27	1	5	4,000	Operator failed to deliver order.
47		23	7,000	Operator, 3 months' experience, failed to deliver dispatcher's order.

BULLETIN No. 21.

78			$2,535	Block-signal operator became confused and gave a clear false signal. Engineman approached, station disregarding rule to run under control.
97		4	3,700	Operator, with four train orders in his possession, delivered wrong one to a conductor. Had sent conductor's signature to dispatcher before train arrived.
6	1	2	3,720	Butting collision of extra trains. Dispatcher, 4 years' experience, forgot both and sent meeting orders to neither.
89		2	3,980	Error in order. Dispatcher sent it "Right over 27." Operator, 20 years 9 months of age, copied it "Right over 25," and dispatcher did not detect wrong repetition.
80	2	5	4,200	Mistake in order. Receiving operator omitted two words, and dispatcher failed to detect the error in repetition.
60	1	5	10,000	Mistake in writing name of station in train order. Operator, experienced, can not explain.
12	17	56	14,500	Confusion of orders. Mistake of telegraph operator.
Total.	179	782	902,500	

Mr. ADAMSON. Mr. Speaker, I yield four minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, the importance of this legislation is not only evidenced by the demand of the men engaged in operating the trains of the interstate railroads, it is demanded by the people from all sections of the country; and we are to-day called upon not to enact by this substitute efficient legislation that will prevent the continuance of overworking the men engaged in carrying the life and property of the people over the great interstate-commerce roads of this country, but we are simply asked to vote under suspension of the rules for a substitute which annihilates and destroys all legislation proper for the purpose of carrying out the demands of both the railroad employees and the people.

Before I say anything further on that line, I desire to respond to the inquiry made by the gentleman from New York [Mr. DRISCOLL] as to the authority of the gentleman who signed the letter which has been read to speak for the railroad trainmen. I hold in my hand a certificate signed by the grand chief of the engineer of the Brotherhood of Locomotive Engineers, the grand master of the Brotherhood of Locomotive Firemen, the grand chief conductor of the Brotherhood of Railway Conductors, and the grand master of the Brotherhood of Railroad Trainmen, which is as follows:

CLEVELAND, OHIO, *November 21, 1906.*

To whom these presents may concern, greeting:

This is to certify that the bearer hereof, Mr. H. R. Fuller, whose signature appears below, has been duly chosen to serve as the representative of the above-named organizations at Washington, D. C., during the second session of the Fifty-ninth Congress in matters pertaining to national legislation.

W. S. STONE,
Grand Chief Engineer B. of L. E.
JOHN J. HANNAHAN,
Grand Master B. of L. F.
A. B. GARRETSON,
Grand Chief Conductor O. of R. C.
O. H. MORRISSEY,
Grand Master B. of R. T.

H. R. FULLER, *Representative.*

This letter authorizes Mr. Fuller to speak for them upon this and all other matters that may come before Congress. Mr. Speaker, not only is the country realizing the importance, but its attention has been riveted upon this subject during the past year, and especially during the past few months, by the awful tragedies which have been enacted upon railroads. I hold in my hand an account of a recent accident that occurred within gunshot of this Capitol, and it undertakes to show, and does demonstrate, that terrible catastrophe and loss of life was occasioned by the overworking of the engineer of the train and the overworking of the telegraph operator. That account is as follows, and is taken from the last issue of Ridgeways:

Why should the railroad companies—public servants and carriers, recipients of countless privileges and advantages—why should they scrimp and pinch expenditures to the needless peril of their customers' lives? Because they must get the money to pay the interest on these fictitious stocks and baseless bonds with which the captains of industry play the games of high finance.

At this Takoma Park station, near Washington, the scrimping, pinching railroad company had one operator working twelve hours a day. When he left his post at night, it was the rule for him to set his signals indicating the block was occupied and leave them so all night. Train after train passed every night and found nothing in the block. Of course the signals speedily came to mean nothing. One night there was a train stalled in the block, and the following train plunged through it and ground thirty persons to death. The railroad company would not employ a night operator for that signal station because a night operator would cost a few dollars a month, and incessantly it must save every possible cent to pay the interest on its watered stock, provide its gambling chips, and maintain its place before the croupier at the table of Wall street.

OVERWORKED ENGINE DRIVERS.

The engineer in the Takoma accident had been on duty two days, with a total of six or seven hours' rest. On all European railroads no man is allowed to work more than thirteen hours, and before he can go to work again ten hours must have intervened. In a recent accident in Connecticut an engineer that had been on duty sixteen hours was kept waiting at the roundhouse two hours more and then sent out on a four-hour run. When, dazed with weariness and lack of sleep, he missed a signal and hit a train, he was held responsible for the accident. He was only an engineer, therefore he could bear the trouble and the penalty of the disaster. The coroner's jury would probably have been greatly shocked at a suggestion that it should indict the directors responsible for such overwork.

In the first nineteen days of January of this year there occurred on the railroads of the United States of America 16 wrecks in which 136 people were killed and more than that number were injured.

In the investigation of the accident that occurred at Terra Cotta, near Washington, it appeared that one of the telegraph operators concerned had been working twelve hours a day, and the engineer in charge of the train had been on duty for two days, with only six or seven hours of rest.

This is but a sample of the accidents that have happened, with the accompanying sacrifice of human lives, in the effort of the railroads to save money by overworking their employees. It is to protect the employees and the public that we believe some efficient legislation ought to be enacted, and it can not be done if the substitute reported now and sought to be passed is enacted into law.

The Interstate Commerce Commission, in a bulletin issued by it and known as "Accident Bulletin, No. 21—for July, August, and September, 1906," gives the following information on page 13:

SPECIAL INFORMATION CONTAINED IN PRECEDING BULLETIN.[a]

Each accident bulletin contains tables showing the number of passengers and employees killed and injured, and these figures are classified according to cause (see Table No. 1); also tables showing cost of the different classes of train accidents. The causes of accidents to employees in coupling and uncoupling and in falling from cars, etc., are further classified in Tables No. 3 and No. 4. The most serious collisions and derailments are dealt with in a supplementary table (Class A) showing the causes in some detail. Each bulletin is for three months, and No. 1 was for the quarter ending September 30, 1901. The bulletin for the quarter ending June 30 contains, in addition to the quarterly statistics, tables showing the same information for the whole of the fiscal year ending on that date.

Bulletin No. 17 records one collision, killing 6 and injuring 35 persons, and one derailment, killing 15 and injuring 28. The collision, occurring at 1 a. m., was due to gross negligence on the part of the men in charge of a freight train. The derailment was due to an open draw. The drawbridge was not provided with interlocked signals, and the engineman was not adequately acquainted with the line of the road. A collision and a derailment are reported which were due to the lack of suitable detector bars at switches and a collision which was due to failure of "controlled manual" block signal working.

Bulletin No. 18 shows total casualties much larger than in the preceding quarters, due largely no doubt to an enormous increase in traffic. Many accidents are reported in which the men had been on duty excessively long hours. One collision, killing 17 persons, was due to the error of an engineman of five months' experience, who ran past five warning signals. Another collision, killing 10 persons, was due to the failure of the men in charge of a freight train to identify opposing passenger trains. One derailment of a passenger train, killing 13 persons, was reported as due to some cause that could not be discovered.

Bulletin No. 19 is like Bulletin 18 in showing a large number of casualties. One butting collision, due to failure of train dispatching, caused thirty-four deaths and twenty-four injuries and $50,000 damages, besides the damages for deaths and injuries of persons. One collision was due to the negligence of men who had been worked flagrantly long hours. Particulars are given of a number of collisions due to complicated and unusual causes.

Bulletin No. 20 shows total deaths greater than in the corresponding quarter of the previous year, but the number of passengers and employees killed in train accidents was considerably smaller. The most serious accident in this bulletin was a butting collision of passenger trains, due to misinterpretation of a dispatcher's order by a pilot; ten persons killed, thirty-eight injured. One derailment, unexplained, train running slowly, caused nine deaths and eighteen injuries.

The provision which directs suits for the recovery of the penalty to be brought by the district attorneys "under the direction of the Attorney-General" would mean but this: That no suits could be brought for the recovery of the penalty except a showing was made that it was brought by the direction of the Attorney-General. The fact that the district attorneys are under he Department of Justice, and generally under the direction of the Attorney-General, does not mean that the district attorneys in order to prosecute must have the order or direction of the Attorney-General before suits generally can be brought. If we leave in this bill the words "under the direction of the Attorney-General," then, in every suit brought for the recovery of this penalty, being in the nature of a criminal proceeding, it must appear, both in the accusation and in the proof, that the Attorney-General directed the bringing of such suit, and this must appear in order to give the court jurisdiction. This was decided by the Supreme Court in the case of the United States *v.* Thockmorton (98 U. S., pp. 70–71). That case was a suit to set aside a patent for land, and the court upon this point held as follows:

There arises no presumption from the act of Congress which gives the Department of Justice general supervision over the district attorneys that this suit was brought by his direction, for they—that is, the district attorneys—in the strict line of their duty bring innumerable suits, indictments, and prosecutions in which the United States is plaintiff without consulting him. It is essential, therefore, in such a suit that, without special regard to form, but in some way which the court may recognize, it should appear that the Attorney-General has brought the suit himself or gave such order for its institution.

This principle is affirmed in the following cases: 108 United States, 510; 118 United States, 271.

So that if these words are left in this bill, in order for the district attorney at any time to bring suit to recover the penalty here prescribed the Attorney-General would have to give specific instructions, and such specific instructions would have to appear both in the pleadings and the proof. Whereas, if we leave these words out the district attorneys will be left free to prosecute the violations of these laws, just as they now prosecute all other violations of the laws. This provision will but hamper and embarrass the officers of the law in enforcing it. I will not say such is the purpose and intent of those who in-

[a] For notes on Bulletins 1 to 16, inclusive, see Bulletin No. 17 or No. 18.

sist upon it, but I do say its incorporation into the bill will render prosecutions under it difficult.

We on this side are all ready to respond to the demands made by the workmen engaged upon the railroads, to the demands made by the people, by the citizens, and by the traveling public, but we are not willing to respond to that demand and say that the railroads shall only pay the paltry penalty of not exceeding $500, and that recovered by a suit, but not until the Attorney-General directs. We are ready to vote for a bill which will make it a crime punishable by imprisonment and fine upon the railroad and its officers when they shall violate that law, and not simply that they shall violate it and pay money for violating it.

If I could amend this bill I would make it a criminal offense for the railroad to overwork its employees. These employees are the men in whose keeping the lives of the traveling public are placed, and it is the duty of this Congress to see to it that they are not permitted to be forced to work exhaustively long hours, but should protect them and especially the public from the greed of these railroad corporations, who demand of their employees that they shall work more than human nature can endure.

Humanity, the safety of the employees, the safety and the lives of the public call upon us to enact a law which protects both.

Mr. Speaker, in ancient times it was said that he was justly considered a skillful poisoner who destroyed his victims by bouquets of lovely and fragrant flowers. The art has not been lost; nay, it is practiced every day by the world, and there is no better evidence of the existence of the art than we see here to-day in the effort of the majority to force this substitute by the suspension of the rules, and thus poison "unto death" all legitimate and efficient effort at legislation on this subject. I sincerely trust that all friends of the traveling public and the railroad employees and who favor proper legislation on this subject will vote down this motion, and let us have an opportunity to consider the bill and amend it, so we can have real and efficient legislation and not this sham substitute. [Applause.]

Mr. ADAMSON. Mr. Speaker, the gentleman from Pennsylvania [Mr. WANGER] just now made an objection on account of language which I have considered and conferred with my associates about. It was, at least, invested with some doubt whether improper or not, and I have no desire to put those words in the speech.

Mr. WANGER. Mr. Speaker, I will withdraw the objection.

Mr. ADAMSON. Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I do not know whether I shall need the time which has been allotted me. All I want to say is that I am in absolute and hearty accord with the minority members of the committee who see in this bill nothing but a sham, a delusion, and a pretense. It is in my opinion a humbug, intended to humbug—a blind intended solely to hoodwink people with the pretense of attempting to consummate the avowed and ostensible purposes of the title of the bill, while it puts it within the power of the railroad to avoid and evade the entire law. I believe that the passage of this bill will have the effect of preventing the passage of real and effective legislation, calculated and intended to accomplish the desired result; and that this proposed bill is neither calculated nor intended, nor will it have the effect of, accomplishing the desired result. That desired result is at one and the same time in the interest of labor engaged upon interstate railroads and in the interest of safety to passengers and to crews. With the view of bringing about that condition of safety to the traveling public and justice to the labor operating the train, it was thought necessary, and, in my opinion, is necessary, that legislation should be had to keep men from working such long hours that they are mentally and physically incapable of doing their work right. Senator LA FOLLETTE did a good work. The House committee by this substitute has marred his work. I believe that two-thirds of the accidents which the country has heard so much of here lately are due to the overwork of the men operating the trains and to the overwork of the telegraphers. And, by the way, the telegraphers are not included, as I understand it, even ostensibly, in the proposed substitute.

Mr. ADAMSON. It is in the substitute, but excepted away.

Mr. WILLIAMS. I understand it is in it "in a way," as the gentleman from Georgia says, but is excepted out of it in real substance. I believe the very accident by which the president of the Southern Railway came to his untimely and lamented death was the result of the manner in which the Southern Railway had been operated under his superintendency. I believe men have been worked unreasonable hours, in some cases twenty-three hours on a stretch, and even twenty-four; that they go asleep at their post, and are mentally and physically incapable of effectively doing their work.

Let us defeat the motion to suspend the rules for the passage of this bill, a means of bringing it up resorted to in order to prevent the consideration by the House of amendments to make it effective. That will not defeat legislation on the subject. It will merely necessitate its being brought up again in a way that will enable us to amend it and make of it a bill really in the interest of labor and of the traveling public. Both will understand our purpose and applaud its ultimate result. [Applause.]

Mr. ESCH. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, every Member who has spoken during this debate has emphasized the importance of this legislation. Everyone favors the enactment of some law prohibiting the employment of railway employees more than sixteen consecutive hours and then compelling adequate rest before reemployment. The majority of your Committee on Interstate and Foreign Commerce are strongly in favor of such legislation which shall be effective, practical, and work no unnecessary hardships upon the public, the employees, or the railroad companies.

It is a new subject of legislation, vitally affects the welfare and movements of employees, and will necessarily produce many changes in the management of the carriers.

The details of such a measure are varied and important and have been considered by your committee during many sessions. We have desired, first of all, to adequately care for the welfare of the employees, to guard their safety and health, and for that purpose to make the provisions of the act effective, clear, and practicable to be enforced.

Next we were obliged to consider the welfare of the public, its safety while traveling, and then how far the facilities for the transactions of its business would be affected by the provisions of the law. Lastly, it is necessary to consider the conditions as to the railways, how far they would be affected by requiring the rearrangement of their divisions and terminals and general business, and how far their service to the public would be affected as to furnishing adequate facilities at the lowest possible rates.

EFFECTS OF THE LAW.

Everyone realizes that too liberal a law would not protect the men as much as they ought to be protected, while too stringent a law would greatly impede the movement of traffic, would tend to diminish facilities of transportation, even now insufficient and inadequate, and that would injure the general business and the general prosperity of the country. Then, too, such stringent provisions would not insure safety to the public, because necessarily quite a large number of green, inexperienced men must be for some time used in train service; and the mistakes of inefficient men are quite as dangerous to the public as fatigue of the experienced men.

The House will realize, Mr. Speaker, that the problem was a most difficult one—first of all, to properly protect the men, not injure the public by too stringent provisions, and not cast a greater burden upon the railroads than is fairly necessary. Among eighteen members of a great committee there are many differences of opinion as to methods and details, and, so far as I have seen, there has been no difference of opinion that all of us desire a proper measure.

NO BILL ENTIRELY SATISFACTORY.

I doubt if any member of the committee is fully satisfied with the report and bill he voted to support upon this floor.

I have too great respect for the intelligence and intellectual integrity of my colleagues of the minority of the committee to believe that they desire the enactment of the bill as it came to our committee, as they know, as well as I do, that it can not possibly accomplish the results expected by either the employees or the public. The people have a right to expect from us a measure which shall produce certain results and remedy certain admitted evils. We of the majority of your committee are positive that it can be demonstrated that such results and such relief can not possibly be afforded by the Senate bill, so we have substituted one which we are positive is far better, is calculated to effect some of the desirable things expected by the people and remedy some of the wrongs which need to be redressed.

OBJECTIONS OF MINORITY.

The members of the minority who have spoken upon this floor have vigorously denounced our substitute, but they have not analyzed it; they have not compared it with the Senate bill, so

the House has had no opportunity to fairly judge of the comparative merits of the two measures. We of the majority do not claim perfection for our substitute. We all admit it is capable of improvement, and if each man on the committee had his own way, undoubtedly he thinks he could improve it.

But none of us can entirely have his own way, and perhaps it is fortunate this is so. We had to compromise and agree upon a measure that is fully satisfactory to nobody. We admit it can be improved, and for this very reason the motion was made by the gentleman from Wisconsin [Mr. ESCH] that the House do suspend the rules, pass the substitute bill, and ask the Senate for a conference to perfect the measure.

This is the only way any bill can be improved before it is enacted into law. It is of no value to this House or to the employee or to the people to denounce and abuse and apply epithets to either bill. What is desired and needed by all fair-minded men is a careful analysis of both bills and a correct explanation of the results which could be reasonably expected if either were enacted into law.

ANALYSIS OF BILLS.

So I will analyze the provisions of both measures, place their provisions as to the same subject-matter side by side, so that any person of ordinary intelligence can judge for himself as to the comparative merits of the two bills, the House substitute as favored by the majority of the committee on one side or the Senate bill as favored by the minority of the committee on the other.

First, as to the carriers to which the act can apply:

IN SENATE BILL.	IN HOUSE BILL.
That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, * * *.	That the provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers and property by railroad in the District of Columbia or any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "employees" as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train

It will be noted that the provisions of the House bill are as general as possible and cover every possible railroad where an employee may be under the control of Congress. The language of the House bill is practically the same as contained in the interstate-commerce act and the arbitration act of 1898 as to interstate carriers, while the Senate bill describes three classes of carriers to be embraced within the act:

1. Railroad in Territory of the United States.
2. Railroad in District of Columbia.
3. Railroad engaged in interstate or foreign commerce.

This section does not necessarily include railroads running from Territories to States or from one Territory to another or from the District of Columbia to the States, unless such may be included in the third class, that such railroad is engaged in interstate or foreign commerce. It is probable that all railroads so do and that all could come within such a provision, but it must be a matter of proof on the part of the prosecution in every such case, which is not necessary under the House bill. A little carelessness on the part of the prosecuting officer under the Senate bill could easily defeat a successful prosecution, not possible under the House bill.

Following are the provisions of the two bills relating to the prohibitions as to improper working hours.

IN SENATE BILL.	IN HOUSE BILL.
First. It shall be unlawful for any railroad * * * to require or permit any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers to remain on duty more than sixteen consecutive hours.	First. That it shall be unlawful for any common carrier, its officers or agents, subject to this act to require or knowingly permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty.
Second. Or to require or permit any such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period to continue on duty or to go on duty without having had at least eight hours off duty within such twenty-four-hour period.	Second. And no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue on duty, or go on duty, without having had at least eight hours off duty within such twenty-four-hour period.
Third. Or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty.	Third. Unless immediately prior to said twenty-four-hour period such employee had at least eight consecutive hours off duty and during said period of twenty-four hours following had at least six consecutive hours off duty.

The differences between the provisions of the two acts are substantially that as to the first subdivision there is an absolute prohibition of more than sixteen consecutive hours' work, with certain exceptions to be hereafter discussed. The House provision makes clear that more than sixteen consecutive hours' work must be followed by at least ten consecutive hours of rest. No such requirement is made in the Senate bill. The third prohibition in the Senate bill may have been intended to modify the first prohibition against more than sixteen consecutive hours of work, which must then be immediately followed by at least ten consecutive hours of rest. It is evident to anybody that the Senate provision does not so do. The language of the Senate provision, "without having had at least ten hours off duty," does not provide for ten continuous or consecutive hours, nor does it provide such rest should immediately follow in whole or in part the sixteen consecutive hours of work. The words "without having had" allow that part of the rest may have been already had and part may follow the period of work. It would be a perfect defense to any common carrier to show that the employee had at least ten hours off duty just before the sixteen-hour period and just after. It is not required to be continuous or following, and so practically nullifies the very purpose of the act. Such language, if enacted into law, would prevent any convictions for the violations of the two clauses above referred to. Paragraph 2 of the Senate bill and paragraph 2 of the House bill are substantially the same. The House provision was taken from the Senate bill.

The third provision of the House bill, as follows—

> Unless immediately prior to said period of twenty-four hours, he had at least eight consecutive hours off duty, and during the following period of twenty-four, at least six consecutive hours off duty—

was inserted to prevent undue hardships and difficulties in the operation of the law.

The result of all the provisions of section 2 as amended would be that in all cases where the employee is on duty for sixteen consecutive hours there must follow at least ten consecutive hours of rest; that in every twenty-four-hour period there must be at least eight hours' rest in the aggregate, except in the case where the employee has had a rest of at least eight consecutive hours there may follow work for any time less than sixteen hours, which must be followed by a rest of at least six consecutive hours; but during the next day there must be at least eight hours' rest. The general effect of the act will require at least ten hours' rest after sixteen consecutive hours of work and a minimum of eight hours' rest for every day, except that on alternate days after at least eight hours' rest above described there may be a minimum of six consecutive hours during such day, but this must be followed during the next day of either eight or ten consecutive hours of rest.

This will enable some runs to be made with a shorter stop at the division terminal and a quicker return home of the train crews without impairing the strength of the men or their efficiency for good service. This provision is intended to cover a class of cases where a train crew has had ample opportunity of rest of eight or ten hours at home and then starts on a trip requiring less than sixteen hours; for example, fifteen and one-half hours. Now, under this provision such train crew must lay off for six consecutive hours at the terminal away from home and then return home by a continuous trip of not exceeding sixteen hours. When the employee reaches home, the act would require him to rest at least eight hours again before starting on another trip.

It is not designed to cause hardship but to prevent hardships to the men being detained at uncomfortable and disagreeable places away from home. It provides that they may have this opportunity to get home two hours quicker after requiring at least six hours' rest between the two periods of employment. This provision was inserted to benefit the men. No railroad company asked for it or desired it, and if the men do not want this privilege such provision can be easily eliminated in conference. It is objected that this provision would allow the men to be worked thirty-four hours out of forty-eight, but the Senate bill allows work for thirty-two hours out of forty-eight, a difference of only two hours out of two days, so distributed and allotted as to help the men to get home quicker, save them expense, time, and discomfort, and at the

same time require reasonable amount of rest at every period between trips.

This is a new proposition, submitted in good faith, and should be discussed in that spirit. That is what a conference is for, and this may be one of the provisions to be seriously considered at such a meeting.

Following are the exceptions in the two bills authorizing the extension of the sixteen consecutive hours of duty in exceptional cases:

IN SENATE BILL.	IN HOUSE BILL.
First. That it shall be unlawful for any common carrier by railroad to require or permit any employee to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip.	First. That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God.
Second. Or by unknown casualty occurring before he started on his trip.	Second. Nor where the delay was the result of a cause not known to the carrier or its agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen with the exercise of ordinary prudence.
Third. Except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal.	

It must be realized these exceptions are the defenses which will be urged by the railroads when they keep any employee at work more than sixteen consecutive hours. If these defenses shall be too liberal, then by so much do they weaken and nullify the purpose of the law. So it is important to compare and analyze just what defenses each bill prescribes as to keeping the men at work more than sixteen consecutive hours. The Senate bill provides, first, for a "casualty occurring after such employee has started on his trip." The word "casualty" in such case would probably be defined "as that which comes without being foreseen—a contingency." (Webster's Dictionary.) So that the provisions of the two bills, in such cases, are practically the same. The words in the House bill "unavoidable accident," "act of God," probably do not enlarge the definition of the Senate bill.

But the provisions of the second exception in the Senate and House bills are radically different. The Senate bill provides "only unknown casualty occurring before he started on his trip." The House bill provides "nor where the delay was the result of a cause not known to the carrier or its agent in charge of such employee at the time said employee left a terminal and which could not have been foreseen with the exercise of ordinary prudence."

The words of the Senate bill, "unknown casualty before he started on his trip," are the very broadest possible. There are no exceptions to it. Unknown to whom? The employee, the carrier, its officers or agents, or any of them. It would seem to be the only natural construction of the word "unknown" that it may refer to any person in charge of or connected with the movement of the train. It is evident that in such case some one responsible person will always be found to whom such casualty was unknown, and this would be a perfect defense to the railroad in such case of keeping the employee at work more than sixteen consecutive hours. No such loophole is allowed in the House bill. There it is provided for a delay for "a cause not known to carrier or its agent in charge of employee, and which could not have been reasonably foreseen." This is far different and narrower and restricts the cause of delay to some natural reason outside of the control of the railroad company. The Senate provision is so wide open that it is doubtful if there ever could be any conviction of a railroad under the terms of this act where such a provision might apply.

THIRD EXCEPTION.

The third exception to the Senate bill is nearly as broad and bad:

Except when, by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal.

It needs no argument to show that this language is broad enough to excuse almost any delay on the part of the railroad company. Under its provisions if a train scheduled to pass at a station or side track is delayed, for any cause within the control of the railroad company, this same company could keep its employees at work for a week if necessary without violating the provisions of this act.

Such a provision practically vitiates the law and renders it impossible of successful enforcement.

The provisions of exceptions allowing the railroad companies to work their men more than sixteen consecutive hours are defined clearly and closely and narrowly in the House bill. The carriers are confined within the narrow and closely defined limits admitted by all to be fair and reasonable.

But in the Senate bill two of the exceptions are so broad and so loose that the railroads could always find some excuse and pretext as a defense to successfully defeat almost any prosecution under the act. It is difficult to realize that any person sincerely desirous of having an effective law upon this subject enacted by this Congress should support the exceptions contained in the Senate bill.

Next, after a comparison of the two bills, it is important to examine them to ascertain if there are any defects or omissions which should be plainly stated and considered.

DEFECTS IN SENATE BILL.

First. The comparison of the terms of the two acts discloses that the Senate bill omits to specifically include railroads running from Territories to States and from District of Columbia to States, except as it may be found that they are all engaged in interstate commerce. This is not a matter of consequence if the prosecution be careful in its allegations and proof. But a little negligence or carelessness on the part of the prosecution in not proving clearly that the carriers above named were actually engaged in interstate commerce at the time of the alleged violation of law might defeat the action.

The other acts of Congress on other subjects remedy this defect, and it is inexcusable now for us to reenact such patent though slight defects.

Second. The Senate bill provides—

That it shall be unlawful for any common carrier by railroad, or any of its officers or agents, to require or permit *any employee engaged in or connected with the movement of any train carrying interstate or foreign freight or passengers* to remain on duty more than sixteen consecutive hours.

This language limits the operation of the Senate bill solely to those railroad employees who can be proven at the time of the alleged violation to have been engaged upon a train carrying interstate freight or passengers. This clearly excludes—

First. All exclusively mail trains.

Second. Exclusively local or intrastate trains carrying United States mail.

Third. Trains wholly within the District of Columbia.

Fourth. Trains wholly within any Territory.

Fifth. Trains of empty cars carrying neither freight nor passengers.

Sixth. Possibly work trains.

Seventh. Possibly express trains carrying solely express matter.

This very statement shows that there is thus excluded from the operations of such act a very large proportion of the railroad business and a very large proportion of the employees.

SUCH DISCRIMINATION UNFAIR.

I can not believe it is the deliberate purpose of the minority to so discriminate against such a large number of faithful railroad employees who are just as much entitled to protection as those included within the act. Yet this Senate bill does omit this large class of employees, and the minority apparently indorses it.

REQUIREMENT OF PROOF.

But this is not the worst feature of this provision. In every prosecution under such act the Government must prove beyond a reasonable doubt that the particular train with which the employee working overtime was connected was, at the time of such violation of law, carrying interstate or foreign freight or passengers.

As a rule, there is no way of identifying the passengers or ascertaining their trips or destinations after any considerable lapse of time. Nothing can be ascertained from the tickets sold, as a rule, and the passengers can not be connected with the tickets or train. In the case of passenger trains, unless the passengers having interstate passage are at once located on that train, are identified and traced, so as to be reached for a prosecution, no adequate proof can be adduced. In ordinary experience it would be probable that three months after a violation of law upon a passenger train had occurred, it would be impossible to find any particular interstate passenger upon that train or to properly prove that such train carried an interstate passenger. This condition would practically nullify the operation of such an act as to all passenger traffic, as it always requires some time for the inspectors to ascertain the violations of the law.

OPERATION AS TO FREIGHT TRAFFIC.

The requirement of proving that a freight train carried interstate freight would not be quite so difficult, and yet would be by no means easy. The requirements would be difficult and the task of the prosecuting officer would be arduous to trace the freight from the time it was originally placed in the custody of

the company, through the processes of its billing, loading, transportation in interstate commerce, and its destination in some other State. This is necessary under the language of the Senate bill, and it is obvious that after the lapse of a year upon any large railroad, with its many millions of transactions, that a very large proportion of prosecutions would fail because of lack of adequate proof.

It is a safe and conservative statement that a very small proportion of the cases which ought to be prosecuted, and which the employees and public would expect to be prosecuted, under any law could be convicted under the language of the Senate bill. Such a measure is a delusion and a snare, and it is a painful surprise to know it is supported by the many excellent lawyers upon the other side of this House.

DEFECTS APPLY TO OTHER CLAUSES.

The Senate bill seems to very carefully make this restricted definition of "employee on train carrying interstate freight or passengers" apply to the other two of its prohibitory provisions. In both of them the words "such employee" are used, thus referring to the kind or class of employees above described and to the restricted conditions of prosecution above outlined.

These evident omissions would practically nullify the purpose of the act, and the railroads might, so far as this bill would be concerned, work their employees for a day continuously if they needed to so do.

TERRA COTTA ACCIDENT.

It may be of interest to the minority and to those who support the Senate bill that the terrible accident at Terra Cotta, Md., on December 30, 1906, on the Baltimore and Ohio Railway could not possibly come within the provisions of the Senate bill, though here was one of the most flagrant cases, shocking the minds of the public and requiring the passage of some adequate law. In that case a regular passenger train had left Frederick, Md., bound for Washington, D. C., carrying interstate passengers, so this train was within the law. But this train was run into from the rear by a train of *empty* coaches *carrying neither interstate freight nor passengers*, but the engineer on this train had been on duty continuously for forty-eight hours, except but for four hours' rest.

This period of service should be prohibited by law; it shocks the sensibilities of fair-minded people, and yet by the terms of the Senate bill because this train was of empties, not carrying interstate freight or passengers, such gross excess of service would not come within the scope of the Senate act.

This is only one recent and forcible instance of the very many which could be cited to show the uselessness of passing such a bill, so full of defects as the S. 5133.

WITHOUT HAVING HAD TEN HOURS OFF DUTY.

Third. There has been previously discussed the provisions of lines 4, 5, and 6 of the Senate bill, as follows:

Or to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty *without having had* at least ten hours off duty.

But it can not be too strongly emphasized or too well understood that the peculiar wording of the next requirement is such that it may refer to time before as well as after the period of duty. It is not required to be continuous. It is not required to follow the period of work. There is simply required an aggregate of ten hours off duty at some time about the period of service before the employee can go to work the second time. This is too indefinite to support any prosecution.

DEFENSES TOO LIBERAL UNDER S. 5133.

Fourth. The exceptions to the prohibition of more than sixteen hours in the two acts have already been discussed. They are defenses to the railroads where the employee has been kept out more than sixteen hours. They should not be too liberal, as under the Senate act, where it is provided that:

By unknown casualty occurring before he started on his trip, and except when by accident or unexpected delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal.

There has already been discussed the reasons why these exceptions are altogether too liberal and allow almost any delay for almost any cause to be excused. The act would be worthless enough, containing the peculiar requirements as to prosecution which have already been outlined, but what little virtue might be left would be completely eliminated by the defenses provided by these exceptions. It is safe and conservative to state that with such provisions enacted into law, it would be practically impossible to convict any railroad company of keeping men continuously at work for twenty-four or more hours. Such a condition is not desired by the public or by the employees; and yet such is the bill that is being indorsed by every member of the minority.

Fifth. The Senate bill contains no provision or direction for the prosecution of offenses under this act by the Department of Justice. This may not be absolutely necessary, as the provisions of the general law may be sufficient. But such clauses are usually inserted in such Federal statutes, and their omission in the Senate bill might be taken as an excuse somewhere or at some time to refuse to prosecute under this act. Such an omission is unnecessary and inexcusable, and is covered by the House bill.

IMMEDIATE EFFECT OPPRESSIVE.

Sixth. The Senate bill, by its terms, would be immediately effective, while the House bill would not take effect until one year from the date of its passage.

It is conceded that the railways and some employees must make many changes by reason of the passage of this bill. Division points and terminals may be changed, and employees must then seek new homes, and this naturally requires time to properly carry out.

Yet the Senate bill, oppressive and unnecessary on this point, is supported by the minority.

KNOWINGLY.

There has been much criticism of the House bill by the minority and by the remarks of various Members upon the floor, and especially by the representatives of the railroad employees, for inserting the word "*knowingly*" in the bill:

SEC. 3. That any such common carrier, or any officer or agent thereof, requiring or *knowingly* permitting any employee to go, be, or remain on duty in violation of the second section hereof.

The reason is that it would seem to be abhorrent to all sense of fairness or common justice to convict or attempt to prosecute any officer or agent of a common carrier unless he knew or had good reason to know that he violated the law. The majority of the committee intended and by the bill provided that the prohibitions as to working in excess of sixteen hours shall apply to the railroad without qualification or application of the word "knowingly," because we inserted the following:

In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of its duly authorized agents.

This may not be strictly necessary and probably is the law, but out of abundant caution this provision was inserted, so that the carriers must be responsible for all acts of their agents, and it requires no more proof to show the fact of agency and scope of authority than is otherwise necessary to prove the violations of the law.

The word "knowingly" was inserted to apply to a class of cases where a train crew might be called ahead of time or even on time, and some delays ensue in getting the trains out of yards upon the main track ready for the trip. Such delay may be of two or three hours and be entirely unknown and unsuspected by the train dispatchers or other officials who have charge of the train while on the main track and for its trip. The dispatcher may have charge of the train for only twelve hours, for less than enough to violate the law, and yet, added to the time already taken since the train crew was called, would constitute a violation of law on the part of some one. The provisions of the House bill would make the carrier clearly liable and subject to punishment. But if the official, like the dispatcher, acted in good faith, did not know of previous delays, and had no business to know—in such case it would not seem to be fair or just to punish him for permitting the train to remain more than sixteen consecutive hours in service.

In such cases the word "knowingly" simply protects such employee; it requires proof that he had good reason to know or did know of the period of service of the employee. If such can be shown, the official ought to be and would be punished. But if the official does not know and has no reason to know of delays in other branches of the service he ought not to be punished for it. The same rule would apply to the foremen in yards, roundhouses, etc., for delays in other departments over which they have no control and where they have no knowledge or means of information. It would seem to be only fair to protect them against consequences of others' acts except where they adopt them knowingly as a part of their own duty. This word does not apply to the railroad company at all and can not apply to any official who is oppressive and seeks to unjustly treat the men.

It can not interfere with any prosecution of any carrier or of any official who has direct control of the men over sixteen hours, like the superintendent or general manager, where they know of the time on the whole trip, but it does apply to the subordinate officials who can not be convicted by adding some one's else possible delinquencies to their own acts, performed properly and strictly in accord with their duty and authority and in the usual course of business.

ENFORCEMENT OF THE LAW.

It is objected by the minority and the representatives of the railroad men that prosecutions are delayed by the provision that—

It shall be the duty of such district attorney, under direction of the Attorney-General, to bring such suits upon duly verified information being lodged with him.

And that it is necessary that it be left entirely with the district attorney.

The House provision only follows the present practice of the Government as to all prosecutions under every kind of statute.

Clipping from Washington Post of February 18, 1907:

CATTLE CRUELLY TREATED—VIOLATIONS OF LIVE-STOCK LAW BY WESTERN ROADS INCREASE—SECRETARY WILSON WARNS TRANSGRESSORS AND WILL URGE RESTORATION OF MINIMUM-SPEED STATUTE.

The Secretary of Agriculture has certified to the Department of Justice 100 additional cases against the railroads west of Chicago on charges of violating the twenty-eight-hour law regarding the shipment of live stock.

The testimony gathered by the Department shows that these roads handling cattle between Texas and California have kept live stock confined in excess of the thirty-six-hour limit permitted when the shipper agrees to that period.

This makes about 200 cases certified to the Department of Justice, and in every case brought by the United States district attorneys the full penalty of the law, involving a fine of $500, is being urged upon the court.

There has never been any complaint before that such a course of procedure delayed prosecutions, and the very language of the bill precludes such construction.

The act provides: "It shall be the duty of the district attorney, *under the direction* of the Attorney-General, to bring such suits." This does not require personal direction by the Attorney-General. He may make rules for the conduct of such cases in any way that may seem best; so that ordinary cases need not be submitted to the Department at Washington, but prosecuted at once in the locality. The provision requiring such direction by the Attorney-General will accomplish two desirable things. First, it will lay down a certain policy as to enforcement and prosecutions which will be uniform all over the United States. This will not favor one locality or class of carriers as against another and will not tend to entice good men from one place to another or drive them from one place to another. The operation of the law should be uniform and can only be produced by such a provision. Second, it is always possible to have oppressive prosecutions under this act, which would be discouraged by the fact that the Department of Justice at Washington provides fair and reasonable rules for the regulation of the whole matter.

I desire to append a letter from the head of the Order of Conductors for Minnesota, giving some valuable suggestions as to legislation from the standpoint of the experienced and intelligent employee.

We all realize this measure is not perfect; we know it can be improved, and believe it can be done in conference. For that reason we trust the motion may be adopted.

MINNEAPOLIS, MINN., *January 15, 1907.*

Hon. F. C. STEVENS, M. C.,
Washington, D. C.

DEAR SIR: The purpose of S. 5133, to promote safety upon railways by limiting hours of service thereon, must appeal to every humane person as well as to every trainman.

In its present form it is essentially defective, and in one leading feature it will certainly injure its intended beneficiaries.

It makes three exceptions to its sixteen-hour rule:

1. A "casualty" occurring during a trip;
2. A "casualty" occurred, but unknown before starting;
3. An accident (to?) or unexpected delay of some other train scheduled to connect with the train of the employee in question.

(a) It may be doubted whether "casualty" is a happy or sufficiently comprehensive term. While it may mean casual happening, it more usually signifies disaster, some destructive or hurtful occurrence. In exceptions 1 and 2 it doubtless refers to circumstances affecting or about to affect the train of such employee. But many things may delay train movement which do not rise to the usual horrors of a railroad "casualty," e. g., in cold weather, the impossibility of making sufficient steam.

(b) The third exception is more patently defective. The hardships of over-hours mostly befall freight-train hands. A freight train, unless "mixed," is rarely scheduled to connect with any other train. But freight trains are habitually scheduled to meet or to be passed by other trains, both passenger and fast freight.

Therefore I am of the opinion that line 2, on page 2, should be made to read: "scheduled to meet, pass, or make connection with," etc.

(c) But the peremptory operation of the sixteen-hour rule should be further qualified.

In our part of the country tavern comforts and engine houses are exceedingly rare within 50 miles of any terminal station.

If, especially in winter, the sixteen hours of a freight-train crew expires 50 miles or less from the terminal and where no suitable lodging or food is obtainable, the crew must suffer cold and hunger until relieved by another train, unless they can meanwhile possibly obtain some sort of shelter and food, and at their own expense.

But, even thus, the preservation of the engine where there is no engine house must always require the engineer and fireman to remain constantly with it, in order to keep up its fire and a safe condition of its water supply.

With reference to such situations, I think the act should be amended as follows: By inserting, between "or" and "permit," in line 7 of page 1, the words "except as hereinafter provided," and by adding to section 1, at its end, substantially as follows: "*Provided, however,* That whenever such sixteen consecutive hours of any train crew, or any member thereof, shall expire at a point not more than one and one-half hours' run of such train from its terminal station, and at a point at or near to which there are no fair tavern accommodations or no engine house, such crew may, at the discretion of the conductor and engineer thereof, run that train to its terminal, notwithstanding the expiration of such sixteen hours."

I much hope that your judgment may concur with the foregoing suggestions.

Very respectfully, GEO. M. MILES.

These, Mr. Speaker, are some of the reasons why the majority of the committee decided that the Senate bill would not accomplish the desired result, and why we ask the support of all who desire efficient and practical legislation upon this very important subject. [Loud applause.]

The SPEAKER. The question is on the motion to suspend the rules, pass the bill as amended, and ask for a conference.

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. I understand this to be a motion to suspend the rules. If this motion is defeated, this bill will still be upon the Calendar?

The SPEAKER. If two-thirds do not vote in favor thereof, the rules will not be suspended and the bill will not be passed. [Laughter.]

Mr. WILLIAMS. And the bill would not be killed?

The question was taken; and the Speaker announced that, in the opinion of the Chair, two-thirds had voted in favor of suspending the rules.

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 192, noes 103.

Mr. WATSON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 169, nays 121, answered "present" 6, not voting 81, as follows:

YEAS—169.

Acheson	Darragh	Hull	Norris
Alexander	Davidson	Humphrey, Wash.	Olcott
Allen, Me.	Davis, Minn.	Jones, Wash.	Olmsted
Ames	Dawes	Keifer	Overstreet, Ind.
Bannon	Dawson	Kennedy, Nebr.	Parker
Bartholdt	Denby	Kennedy, Ohio.	Parsons
Bates	Dickson, Ill.	Kinkaid	Payne
Bede	Dixon, Mont.	Klepper	Perkins
Beidler	Draper	Knapp	Pollard
Bennet, N. Y.	Dunwell	Knopf	Prince
Bennett, Ky.	Dwight	Knowland	Reeder
Bishop	Edwards	Lacey	Rives
Bonynge	Ellis	Landis, Chas. B.	Sibley
Boutell	Englebright	Landis, Frederick	Smith, Cal.
Bowersock	Esch	Law	Smith, Ill.
Bradley	Fassett	Lawrence	Smith, Iowa
Brick	Fordney	Lilley, Conn.	Smith, Pa.
Brooks, Colo.	Foss	Littauer	Smyser
Brown	Foster, Vt.	Littlefield	Snapp
Brownlow	Fowler	Longworth	Southard
Brumm	Fulkerson	Loud	Southwick
Burke, Pa.	Fuller	Loudenslager	Sperry
Burke, S. Dak.	Gardner, Mass.	Lovering	Stevenson
Burleigh	Gardner, Mich.	Lowden	Stevens, Minn.
Burton, Del.	Gillett	McCall	Sulloway
Burton, Ohio	Goebel	McCarthy	Tawney
Butler, Pa.	Graff	McCleary, Minn.	Taylor, Ohio
Calderhead	Graham	McGavin	Thomas, Ohio
Campbell, Kans.	Gronna	McKinlay, Cal.	Townsend
Campbell, Ohio	Grosvenor	McKinney	Vreeland
Capron	Hale	McMorran	Wanger
Cassel	Hamilton	Madden	Washburn
Chaney	Haugen	Mahon	Watson
Cocks	Hayes	Mann	Webber
Cole	Henry, Conn.	Marshall	Weeks
Conner	Hepburn	Martin	Weems
Cousins	Higgins	Miller	Wharton
Cromer	Hill, Conn.	Minor	Wiley, N. J.
Crumpacker	Hinshaw	Mondell	Wilson
Currier	Holliday	Morrell	Young
Cushman	Howell, Utah	Mouser	
Dale	Hubbard	Murdock	
Dalzell	Hughes	Needham	

NAYS—121.

Adamson	Davis, W. Va.	Gregg	McLain
Aiken	De Armond	Griggs	McNary
Bankhead	Dixon, Ind.	Gudger	Macon
Barchfeld	Driscoll	Hardwick	Maynard
Bartlett	Ellerbe	Hay	Meyer
Beall, Tex.	Field	Hedge	Moon, Tenn.
Bell, Ga.	Finley	Heflin	Moore, Tex.
Bowers	Fitzgerald	Hill, Miss.	Mudd
Brantley	Flood	Hopkins	Nelson
Broussard	French	Houston	Otjen
Brundidge	Garber	Howard	Overstreet, Ga.
Burgess	Garner	James	Padgett
Burleson	Garrett	Jenkins	Page
Burnett	Gilhams	Johnson	Patterson, N. C.
Byrd	Gill	Jones, Va.	Patterson, S. C.
Candler	Gillespie	Lamar	Pearre
Chapman	Glass	Lee	Pou
Clark, Fla.	Goldfogle	Legare	Rainey
Clark, Mo.	Goulden	Lever	Randell, Tex.
Clayton	Granger	Lewis	Ransdell, La.
Davey, La.	Greene	Lloyd	Reid

Richardson, Ala.	Sheppard	Stanley	Wallace
Roberts	Sherley	Stephens, Tex.	Watkins
Robertson, La.	Sims	Sterling	Webb
Robinson, Ark.	Slayden	Sullivan	Weisse
Rodenberg	Smith, Ky.	Sulzer	Williams
Rucker	Smith, Md.	Talbott	Woodyard
Russell	Smith, Tex.	Taylor, Ala.	Zenor
Ryan	Southall	Thomas, N. C.	
Saunders	Spight	Tirrell	
Shackleford	Stafford	Underwood	

ANSWERED "PRESENT"—6.

Dcemer	Lamb	Sherman	Wachter
Huff	Lorimer		

NOT VOTING—81.

Allen, N. J.	Gaines, W. Va.	McCreary, Pa.	Scott
Andrus	Gardner, N. J.	McDermott	Scroggy
Babcock	Gilbert	McKinley, Ill.	Shartel
Bingham	Haskins	McLachlan	Slemp
Birdsall	Hearst	Michalek	Small
Blackburn	Henry, Tex.	Moon, Pa.	Smith, Mich.
Bowie	Hermann	Moore, Pa.	Sparkman
Broocks, Tex.	Hogg	Murphy	Towne
Buckman	Howell, N. J.	Nevin	Trimble
Butler, Tenn.	Humphreys, Miss.	Palmer	Tyndall
Calder	Hunt	Powers	Van Duzer
Cockran	Kahn	Pujo	Van Winkle
Cooper, Pa.	Keliher	Reyburn	Volstead
Cooper, Wis.	Kitchin, Claude.	Reynolds	Wadsworth
Coudrey	Kitchin, Wm. W.	Rhinock	Waldo
Dovener	Kline	Rhodes	Welborn
Dresser	Lafean	Richardson, Ky.	Wiley, Ala.
Fletcher	Le Fevre	Riordan	Wood
Floyd	Lilley, Pa.	Ruppert	
Foster, Ind.	Lindsay	Samuel	
Gaines, Tenn.	Livingston	Schneebeli	

So (two-thirds not having voted in the affirmative) the motion was rejected.

The Clerk announced the following additional pairs:

For the balance of this day:

Mr. SCOTT with Mr. BUTLER of Tennessee.

Mr. MOORE of Pennsylvania with Mr. LINDSAY.

Mr. LAFEAN with Mr. PUJO.

Mr. REYNOLDS with Mr. LIVINGSTON.

On this vote:

Mr. DOVENER with Mr. SPARKMAN.

Mr. DRESSER with Mr. WILEY of Alabama.

Mr. HOWELL of New Jersey with Mr. HUNT.

Mr. MURPHY with Mr. TRIMBLE.

Mr. VOLSTEAD (in favor) with Mr. COOPER of Wisconsin (against).

Mr. WACHTER. Mr. Speaker, I am paired with the gentleman from North Carolina, Mr. SMALL, and I wish to withdraw my vote and vote "present."

The name of Mr. WACHTER was called, and he voted "present," as above recorded.

Mr. BARCHFELD. Mr. Speaker, I would like to be recorded.

The SPEAKER. Was the gentleman present when his name was called?

Mr. BARCHFELD. I was not.

The SPEAKER. The gentleman is not entitled to vote under the rule.

The result of the vote was then announced as above recorded.

ASSESSMENT LIFE INSURANCE COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. PARKER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 25549) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies or associations.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Code of Law for the District of Columbia be, and the same is hereby, amended by striking out section 653 thereof and substituting in lieu therefor the following:

"SEC. 653. Assessment life insurance companies or associations, sick, accident, and death benefit assessment companies or associations, also sick and accident assessment companies or associations: All assessment life insurance companies or associations, sick, accident, and death benefit assessment companies or associations, also sick and accident assessment companies or associations set forth in this section shall be incorporated before engaging in business in the District of Columbia; and such companies may be incorporated under the provision of subchapter 4 of chapter 18 of the Code of Law for said District, provided that every company shall have cash assets of not less than $1,000, the bonds to be deposited in the registry of the supreme court of the District of Columbia, or other assets, as hereinafter provided; and before the articles of incorporation of any such company or association are admitted to record by the recorder of deeds, the superintendent of insurance of said District shall certify to said recorder that the said company has complied with the conditions relative to its assets herein provided. Any insurance company or association hereafter transacting the business of life insurance on the assessment plan in the District of Columbia, whether incorporated in the District of Columbia or elsewhere, including sick, accident, and death benefit assessment companies or associations, and sick and accident companies or assessment associations, shall file, on or before the 1st day of March, with the superintendent of insurance a detailed annual statement, sworn to by its president or vice-president and its secretary or assistant secretary, showing its true financial condition as of the 31st day of December next preceding; also a statement, under oath, showing that it pays the maximum amount named in its certificates or policies as the same become due and payable, and for the last twelve months has uniformly done so; and shall pay for filing such report as aforesaid the sum of $10 to the collector of taxes. Such assessment companies or associations shall at any time on notice furnish any other information that the superintendent may require. On failure by any such company or association to make and file any of the aforesaid statements or reports within ten days after notice from the superintendent of insurance, its license to transact business in said District may be revoked by said superintendent, and the president, vice-president, secretary, and assistant secretary of said company or association shall be punished by a fine of not more than $100 or imprisoned in jail for not more than sixty days: *Provided*, That every insurance company or association whatsoever, anything contained in section 617 of the Code of Law for said District to the contrary notwithstanding, shall make the reports required of insurance companies by subchapters 4 and 5 of chapter 18 of said Code, and as in this section provided; and the companies or associations referred to in this section shall also furnish to the superintendent of insurance the statement of business required by section 650 of said Code. Every such assessment company or association doing a life insurance business only that issues certificates or policies to individuals for not more than $1,000 on a single life shall deposit in the registry of the supreme court of the District of Columbia, before the 1st day of July, 1907, to guarantee the payment of benefits as provided for in its certificates or policies, United States, State, or municipal bonds the market value of which shall at all times be not less than $50,000 nor less than 3 per cent of its total risks; and every assessment company or association doing a life business only that issues certificates or policies for more than $1,000 on a single life shall deposit in the registry of said court, before the 1st day of July, 1907, to guarantee the payment of benefits as provided for in its certificates or policies, United States, State, or municipal bonds the market value of which shall at all times be not less than $100,000 nor less than 3 per cent of its total risks.

"Any company or association that issues certificates or policies on the assessment plan providing for the payment of benefits on account of sickness or accident, in addition to an amount to be paid on the death of a member, shall be known and designated as a sick, accident, and death benefit assessment company or association, and any assessment company or association that issues certificates or policies providing for the payment of indemnity only on account of sickness or accident shall be known as a sick and accident assessment company or association.

"All such sick, accident, and death benefit assessment companies or associations, and sick and accident assessment companies or associations, shall deposit in the registry of the supreme court of the District of Columbia, before the 1st day of July, 1907, to guarantee the payment of benefits as provided for in its certificates or policies, in lieu of the bonds hereinbefore required of assessment life insurance companies or associations, United States, State, or municipal bonds the market value of which shall at all times be not less than $10,000 nor less than as much as 3 per cent of the total outstanding risks of such company or association.

"In case of companies or associations incorporated under the laws of any State or Territory of the United States, the said deposit of bonds may be waived by the superintendent of insurance, in whole or in part, on his being satisfied that good securities to an equal amount are held as such guarantee as above provided, free and above all accrued claims or debts of such company or association, and that it is otherwise in good financial condition.

"No company or association licensed to transact business as a sick, accident, and death benefit assessment company or association shall issue certificates or policies for greater amounts than $500 on the life of any one person.

"All classes of companies or associations named herein doing business in the District of Columbia shall, respectively, during or at the end of each calendar year ending on the 31st day of December, pay to their policy holders for losses or dividends, or invest in reserve for their benefit under the supervision of the superintendent of insurance, at least one-half of all premiums received during that year, besides the whole of any other receipts of such company or association (except only principal or income received from cash or securities representing the same which have actually been paid in or deposited by the stockholders of such company or association), it being the intention hereof that not more than one-half of the premiums of any and every year shall be used for any other purpose except for the direct benefit of policy holders; and if any company or association shall fail to comply with this requirement the license of such company shall be revoked by the superintendent of insurance.

"Whenever more than one-half the policy holders of such company or association are 45 years of age or over, such company or association shall also maintain a reserve equal to the net single premium for whole life insurance according to the Actuaries' Table of Mortality, and interest at 4 per cent per annum, upon such number of the oldest lives as will represent the difference in the number of risks, such reserve to be based upon the maximum amount of insurance carried on such oldest lives, and to be invested as approved by the superintendent of insurance, and if any company or association fail so to do its license shall be revoked; and whenever its assets, exclusive of said bonds, are less than its liabilities, it shall be the duty of the superintendent of insurance to suspend the license of said assessment company or association, and unless the deficit be made good within thirty days thereafter he shall revoke its license. Any interest due and payable on bonds deposited as herein provided shall be paid by the clerk of said court to the assessment company or association so depositing said bonds.

"Every such assessment company and association shall be required, when necessary to pay its death and indemnity claims, to levy extra assessments on its members; and any such assessment company or association that fails for a period of thirty days after notice from the superintendent of insurance to comply with any provision of this section, or fails to pay within thirty days a final judgment or comply with a decree rendered against it by any court of competent jurisdiction, shall have its license to transact business revoked.

"Any fund hereinbefore required to be deposited may be exchanged from time to time or may be withdrawn upon certificate from the superintendent of insurance that the assessment company or association depositing same has no liability on any outstanding certificate or policy: *Provided, however*, That nothing contained herein shall interfere with or abridge the rights of any fraternal beneficial association licensed to transact business under subchapter 12 of chapter 18 of the Code of Law for the District of Columbia or incorporated by special act of Congress: *Provided further*, That nothing contained herein shall apply to any re-

lief association, not conducted for profit, composed solely of officers and enlisted men of the United States Army or Navy, or solely of employees of any other branch of the United States Government service, or solely of employees of any individual company, firm, or corporation."

The SPEAKER. Is a second demanded?

Mr. SULLIVAN. I demand a second, Mr. Speaker.

Mr. PARKER. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from New Jersey is entitled to twenty minutes and the gentleman from Massachusetts to twenty minutes.

Mr. SULLIVAN. I would like to have the gentleman give an explanation of the bill.

Mr. PARKER. Mr. Speaker, I will ask the Clerk in my time to read the report upon this bill, which is very short.

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 24644) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies or associations, report in lieu thereof a bill (H. R. 25549) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies or associations, and recommend that the same do pass, and that H. R. 24644 do lie on the table.

This bill amends section 653 of the District Code, relating to assessment life insurance companies or associations, sick, accident, and death benefit assessment companies or associations, and sick and accident benefit companies or associations. Some of these are large life companies, incorporated by various States and doing a pure life business by assessment. Others are local sick benefit associations doing business largely among the poor people of the District, more than half the premiums usually going to the stockholders by forfeitures of policies or otherwise. The assessment life companies usually have considerable assets, but do not maintain a full reserve, and as long as the average of their policy holders are young they are safe enough.

The bill provides that assessment life companies, to do business in the District, must have $50,000 assets if they do not issue policies above a thousand dollars, and $100,000 invested assets if they do issue larger policies, and that these assets shall always be at least 3 per cent of the total risks of the company.

In case of District companies the securities will be deposited with the register of the supreme court. In the case of foreign companies the superintendent of insurance must be satisfied that the securities are properly maintained.

The small sick-benefit companies are required to have a guaranty fund of at least $10,000, and that it be at least 3 per cent of their outstanding life risks. We have also provided by amendment that the expenses of such companies, including dividends, shall not exceed 50 per cent of the premiums received in any year, so that at least the balance of premiums and all forfeitures shall be paid in losses or dividends or placed in reserve for the benefit of the policy holders. At present less than one-quarter of the premiums usually goes to their benefit.

We have likewise provided that when the risks on lives over 45 years of age exceed in number those on lives under that age the excess in the oldest lives shall be secured by a full legal life insurance reserve equal to a single premium for life insurance of such excess of risks.

The other provisions are formal, but very necessary. The guaranty fund must be provided before business begun, reports must be made in detail when required, policies are to be in an approved form, assessments must be levied when needed, and the license can be revoked in case of insolvency or failure to obey the provisions of the act.

The act does not affect purely fraternal beneficial associations, nor associations of officers and enlisted men, civil-service employees, or the employees of a single firm.

We believe that this bill meets a crying want of the District, and recommend its immediate passage. We think no company should do business that does not give back to its policy holders a reasonable amount of its premiums and reserve a fairly reasonable guaranty fund, and the sums named are as low or lower than those required by State legislation. These assessment companies have certainly filled a want in the country, but their frequent failures have caused dire distress among those who could least afford it.

The provisions which proportion the amount of guaranty fund to the amount of risks, and which provide for the limitation of expenses and accumulation of a reserve as the members grow older, are new in legislation. They are moderate in their character, and will at least lessen the dangers which attend the assessment system without imposing any burden which the best assessment companies have not already assumed for themselves.

Mr. PARKER. Mr. Speaker, the most of this bill was prepared by the superintendent of insurance of this District. It was introduced by the gentleman from Wisconsin [Mr. BABCOCK] for the District. It has been very carefully amended by and has the unanimous report of the Judiciary Committee. It covers nothing except small companies which were forfeiting 90 per cent of their policies, and when they took in 100 per cent they returned from one-sixth to one-quarter to the policy holders.

Mr. SULLIVAN. I wish the gentleman would speak louder. We can not hear over here.

Mr. PARKER. I am speaking as loud as I can with a slight cold. Has the gentleman heard what I have already said?

Mr. SULLIVAN. We have heard scarcely a word.

Mr. PARKER. I said that the bill was prepared by the superintendent of insurance of this District. These little companies refuse to make returns, and their incorporators—for they were stock companies—put up no capital, but pocketed from 75 to 90 per cent of the premiums, besides forfeiting 90 per cent of the policies. We have therefore provided, what they say is impossible, that they shall not do business unless they give back at least one-half of what they take in from the assured; and we have likewise provided that they shall put up $10,000 as a guaranty fund. We do not think that any sick-benefit company should have any less capital.

Mr. AMES. Will the gentleman permit an interruption?

Mr. PARKER. I would like to yield time to other gentlemen, but I will permit an interruption.

The SPEAKER. Does the gentleman yield?

Mr. PARKER. I yield.

Mr. AMES. The gentleman from New Jersey admits that assessment companies now doing business in the District turn back to the policy holders only 10 per cent of the moneys received.

Mr. PARKER. Assessment sick-benefit companies; not the others.

Mr. AMES. This bill provides for them.

Mr. PARKER. And we provide they shall return 50 per cent.

Mr. AMES. And this bill provides they shall return 50 per cent. Now, I want to ask the gentleman from New Jersey, where they perform many kinds of insurance, if he thinks it is good insurance or good policy or sound judgment to make legitimate a business that turns back to the policy holder only 50 cents out of every dollar received?

Mr. PARKER. The gentleman has made his question, and I will say simply that there are certain numbers of these companies that do business amongst the very poor—the colored people of this District——

Mr. AMES. Let me——

Mr. PARKER. One minute. The gentleman has asked his question—and they get the benefit of some protection when they are sick and some insurance when they die. These very poor people are not taken by the regular insurance companies, industrial or otherwise, and some of them can not get the benefit of the fraternal societies, and under these circumstances we have not felt willing to say that the business should stop altogether, if only they return a fair amount to their policy holders. I desire to yield three minutes, or five minutes if he desires, to the gentleman from——

Mr. MANN. Will the gentleman yield in order to give some information about the bill?

Mr. PARKER. Yes, sir.

Mr. MANN. Will the gentleman inform us, first, whether the superintendent of insurance has the discretion to waive the deposit of bond proposed by the bill?

Mr. PARKER. Not for any District company, but there are many in Baltimore, for instance, and elsewhere, and if he is satisfied that they have an equal amount of assets properly invested he can suffer them to do business here.

Mr. MANN. So that the superintendent of insurance will have under this bill authority to prefer a company under one name and to discriminate against another company.

Mr. PARKER. No.

Mr. MANN. Why not?

Mr. PARKER. Because it is always provided that a company incorporated and doing a regular business of life insurance in a certain State shall make a certain deposit. Then, in a different State, through courtesy, they are permitted to do business if the State authorities are satisfied the deposit is made in the original State of incorporation.

Mr. MANN. The bill provides one company under certain conditions shall deposit $50,000 of bonds here and another company a hundred thousand in bonds and then provides the superintendent of insurance could waive those requirements. How much will it take to buy the superintendent of insurance?

Mr. PARKER. He can not waive the requirements, or, rather, he can only waive the requirements as to foreign companies that do not deposit here.

Mr. MANN. That is what I am talking about.

Mr. PARKER. I will say to the gentleman that one of the best assessment companies—the one that had a great reputation in the United States—is called the "Bankers' Life of Des Moines." All the Iowa people spoke up for it, and it has $220,000,000 of risks out and keeps seven and a half million dollars as a guaranty fund. A hundred thousand dollars would be nothing to such a company, and therefore we provided in the bill that that company should keep 3 per cent of its assets invested somewhere.

Mr. MANN. The gentleman says in his report the bill does not apply to fraternal beneficial associations. What portion of the bill exempts them?

Mr. PARKER. The last clause in it. They are very well taken care of by other sections of the District Code, which has been carefully prepared in that regard. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is upon suspending the rules——

Mr. SULLIVAN. Mr. Speaker——

Mr. PARKER. I did not know the gentleman from Massachusetts desired to speak. I beg his pardon.

Mr. SULLIVAN. I did not expect the gentleman would subside so quickly.

Mr. PARKER. Is there anything the gentleman desires to ask?

Mr. SULLIVAN. Yes; but I will now yield five minutes to the gentleman from Massachusetts [Mr. AMES].

Mr. AMES. Mr. Speaker, I am surprised that the gentleman from New Jersey [Mr. PARKER] should father such a proposition as this on the floor of the House. We have had insurance investigations, insurance legislation, and I have yet to learn of a proposition equal to this. He comes and tells you for the benefit of the poor and sick colored men and women in the District of Columbia that they should be mulcted out of 50 cents of every dollar that they might put away on a sunshiny day. And I do not want the gentleman from New Jersey to dodge the facts in the case, and they are nothing more nor less than this, that his bill is to authorize little companies to do what I consider improper business, permitting their incorporators to take 50 cents out of every dollar collected and return to the poorest class half of what they can possibly save. That is the long and short of this bill. There is plenty of authority in the laws of the District to-day permitting the insurance commissioner, if he sees fit, to wipe out these little insurance companies, and they have no legitimate place in the conduct of insurance within the District. [Cries of "Vote!"]

Mr. BABCOCK. Mr. Speaker, I wish to say just a word on this.

The SPEAKER. Does the gentleman from Massachusetts [Mr. SULLIVAN] yield to the gentleman from Wisconsin [Mr. BABCOCK].

Mr. SULLIVAN. Yes.

The SPEAKER. How much time?

Mr. SULLIVAN. Five minutes.

Mr. BABCOCK. Mr. Speaker, I want to say, on behalf of the Committee on the District of Columbia, that this measure was referred to me by the Commissioners, and that I introduced this bill, and from the fact that the Committee on the Judiciary had handled the same subject before I asked that it be referred to them, instead of to the Committee on the District of Columbia.

This measure is a good one. It should be passed. It saves much to many poor people that have been swindled here in the District by different concerns, and if the gentleman understood the situation and had had it presented as it has been presented to the committee I have the honor to represent there would not be a word in opposition to this bill. And I want to say to the gentleman from Massachusetts [Mr. AMES] and the gentleman from Illinois [Mr. MANN] that when they say that these companies are taking the money and are only returning 50 per cent, that cases have been shown where the returns were only 6, 7, or 8 per cent. The department of insurance, together with the Committee on the Judiciary, has made a limit of 50 per cent.

I want to read an extract to-day from the Chief Executive which expresses his opinion of the conditions which exist in the District of Columbia which this bill seeks to regulate. This letter is dated February 16. He says:

> Will you not give this matter immediate attention, and put an end to what seems to me can legitimately be called a "swindle" to the insured in the District?
>
> THEODORE ROOSEVELT.

Now, the matter has been brought to the Executive on account of the abuses in the District of Columbia, and I believe that the Committee on the Judiciary, following the recommendations of the department and the Commissioners, has brought to us here a bill that improves the conditions to such an extent that no man can stand up here and afford to vote against it.

Mr. AMES. I would like to ask the gentleman a question. Did not the commissioner of insurance of the District of Columbia and the insurance commissioners of the whole United States, through their committee of fifteen, recommend to the Judiciary Committee a totally different bill, which did not provide for these companies at all?

Mr. BABCOCK. I understand that Mr. Drake, the commissioner of insurance, was heartily in favor of this bill as originally drafted. There are some amendments and changes that have been made by the Committee on the Judiciary.

Mr. AMES. I will say for the benefit of the gentleman that the commissioners of the United States, after several conventions, the leading actuaries of insurance throughout the country, and the Commissioners of the District of Columbia recommended and sought for the passage through the Committee on the Judiciary of a bill which did not provide for assessment companies.

Mr. BABCOCK. This bill came from the commissioner of insurance of the District of Columbia originally. I do not know anything about the commissioners of the United States, Mr. Speaker. I am speaking of the local conditions here, and this bill ought to pass.

Mr. SULLIVAN. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. SHEPPARD].

Mr. SHEPPARD. Mr. Speaker, this bill is not sufficiently specific in distinguishing between fraternal insurance orders and assessment associations. Many superintendents of insurance who are hostile to fraternal insurance charge that fraternal insurance orders are really assessment associations, and if this bill is adopted the superintendent of insurance of this District may apply its requirements to fraternal insurance orders, although the bill attempts to exempt fraternal insurance orders from its operations. Again, this bill——

Mr. PARKER. Will the gentleman allow me to interrupt him for a moment?

Mr. SHEPPARD. Certainly.

Mr. PARKER. Fraternal associations are covered by subchapter 12 of chapter 18 of the Code of Laws of the District of Columbia—a very careful law—and they are excepted by this bill.

Mr. SHEPPARD. Certainly; but some insurance commissioners with old-line affiliations believe and charge that some fraternal life insurance orders are really assessment institutions, and this bill is not sufficiently specific in distinguishing between the two. Again, this bill says that assessment associations shall base their rates upon the actuaries' table of mortality, with 4 per cent interest added, and if you require a rate of that kind it will compel these companies to charge premiums which the poor of the District can never pay.

Again, the bill attempts to make the superintendent of insurance in the District of Columbia in a certain sense a national commissioner, because it establishes rules for associations founded in other States applying to do business here applicable to their operations in every section of the country. It says they shall pay the policy holders a certain portion of the premiums every year, regardless of whether these policy holders reside in the District of Columbia or in any State of the Union. It is objectionable for this feature as well as the others to which I have referred. This House ought not to pass a bill of this character with such little consideration, and I trust it will be defeated. [Applause.]

Mr. SULLIVAN. Mr. Speaker, how much time is remaining to this side?

The SPEAKER. Nine minutes.

Mr. SULLIVAN. Mr. Speaker, I find on examining this bill that some of the assessment companies may do business with cash assets of $1,000, and they may file a report upon payment of $10 and——

Mr. PARKER. Cash in bank of $1,000, and they may have $50,000 or $100,000 deposited.

Mr. SULLIVAN. The provision in the bill, as I read, is that a company may do business with cash assets of $1,000.

Mr. PARKER. No, sir.

Mr. SULLIVAN. I call the gentleman's attention to the language on page 2. I may remark here that when a bill of this character, dealing with life assessment companies, sick and death benefit, and accident assessment companies, is brought into the House to be disposed of upon forty minutes' debate, on a two-thirds vote, it ought to be a bill well-nigh perfect in order to command that great vote of confidence in the House. This bill falls far short of perfection.

There is a great agitation all over the country against the extension and even continuance of assessment insurance. In my own State a prominent attorney has brought to the public notice the great cost of insurance of poor persons, and advocates the placing of it in savings banks. There are a great many reform measures discussed throughout the country. If this bill is adopted, the probabilities are that it will be argued that it is a model measure and one which other States may well copy. It seems to me that there are not sufficient safeguards for the protection of the helpless class of persons who are dealt with by this bill, and it would be much better to have the bill defeated and allow the committee to spend more time in the preparation of a proper bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 116, noes 50.

Mr. SHEPPARD. Tellers, Mr. Speaker.

The SPEAKER. Thirty-seven gentlemen have risen——

Mr. SHEPPARD. The other side, Mr. Speaker.

The SPEAKER. One moment. Thirty-seven is not one-fifth of a quorum; not a sufficient number; tellers are refused; two-thirds having voted in favor of the motion, the rules are suspended, and the bill is passed.

WITHDRAWAL OF PAPERS.

Mr. MOUSER, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Asahel Bliss (H. R. 2177, Fifty-sixth Congress), no adverse report having been made thereon.

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. FLOYD, indefinitely, on account of serious illness of father.

To Mr. COOPER of Wisconsin, for one week, on account of illness.

EULOGIES.

Mr. DENBY. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the desk.

The Clerk read as follows:

Ordered, That the session of the House on Sunday, February 24, 1907, be held at 10 o'clock a. m., and that the time until 12 o'clock noon be set apart for memorial addresses on the life, character, and public services of Hon. RUSSELL A. ALGER, late a Senator from the State of Michigan.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the resolution was agreed to.

EXTENSION OF REMARKS.

Mr STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the post-office appropriation bill in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

REPRINT.

Mr. ESCH. Mr. Speaker, I ask for a reprint of the report on Senate bill 5133, to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

BAYOU BARTHOLOMEW, LOUISIANA.

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 22338) to bridge Bayou Bartholomew, in Louisiana.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That the Arkansas, Louisiana and Gulf Railway Company is hereby authorized to construct a drawbridge across Bayou Bartholomew, in the State of Louisiana, at a suitable point in township 22 north, range 6 east, about 7 miles north of the town of Bastrop.

With the following amendment, recommended by the Committee on Interstate and Foreign Commerce:

Insert at the end of the bill the following: "in accordance with the provisions of an act of Congress entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906.

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. RANSDELL of Louisiana, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER.

Mr. BRUMM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25611) to authorize the Burnwell Coal and Coke Company to construct a bridge across the Tug Fork of Big Sandy River.

The bill was read, as follows:

Be it enacted, etc., That the Burnwell Coal and Coke Company, a corporation organized under the laws of the State of West Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad, tram road, conveyor, wagon, or foot bridge and approaches thereto across the Tug Fork of Big Sandy River at a point about 1¼ miles west of Hatfield Tunnel, near Sprigg, Mingo County, W. Va., where the same forms the boundary line between the States of Kentucky and West Virginia, in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. BRUMM, a motion to reconsider the last vote was laid on the table.

NORFOLK AND PORTSMOUTH TRACTION COMPANY, VIRGINIA.

Mr. MAYNARD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24605) granting to the Norfolk and Portsmouth Traction Company the right to operate trains through the military reservation on Willoughby Spit, Norfolk County, Va.

The bill was read, as follows:

Be it enacted, etc., That the Norfolk and Portsmouth Traction Company, lessee of the Norfolk Railway and Light Company, be, and it is hereby, granted the license and privilege to maintain and operate its electric railway, which has heretofore been constructed under a license granted by the Secretary of War to its predecessor, the Norfolk, Willoughby Spit and Old Point Railroad Company, across the military reservation of the United States on Willoughby Spit, in Norfolk County, Va., on such location as may be approved by the Secretary of War upon the following conditons, namely:

First. That the said company, its successors or assigns, shall remove its tracks, at its own expense, from said reservation within sixty days after receiving notice from the Secretary of War that the War Department requires the premises so occupied for the purposes of the United States; and upon the failure, neglect, or inability of the said company, its successors or assigns, so to do, the same shall become the property of the United States, and the United States may then cause the same to be removed at said company's expense, and no claims for damages against the United States, or any officer or agent therefor, shall be created by or made on account of such removal.

Second. That said company shall confine its route to the location heretofore adopted under the license granted by the Secretary of War; and that there shall be built no structures along the line of the road; that the road shall be fenced in a manner satisfactory to the Chief of Engineers; and that no more trees shall be cut down than in the judgment of the local officer of the Corps of Engineers are necessary to clear a way for the tracks.

Third. That the said company shall carry free over any part or parts of its road and ferry all United States officers, engineers, inspectors, overseers, clerks, and laborers dwelling beyond the limits of the reservation or Ocean View, who may be engaged in Government work upon the reservation.

Fourth. That said company shall pay all taxes assessed against the property.

Fifth. That any sum which may have to be expended after the revocation of this license, as heretofore provided, in putting the premises or property hereby authorized to be occupied or used, in as good condition for use by the United States as it is at the date of the granting of said license, shall be repaid by the said company on demand.

Sixth. That said company shall pay such reasonable annual rental as may be fixed from time to time by the Secretary of War.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. MAYNARD, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 529. An act granting an increase of pension to Francis L. Arnold;

H. R. 830. An act granting an increase of pension to Hezekiah Dezarn;

H. R. 1019. An act granting an increase of pension to Daniel B. Bayless;

H. R. 1233. An act granting an increase of pension to Lucretia Davis;

H. R. 1373. An act granting an increase of pension to Florence Bacon;

H. R. 2049. An act granting an increase of pension to Henry Arey;

H. R. 2246. An act granting an increase of pension to Henry Damm;

H. R. 2777. An act granting an increase of pension to Albert F. Durgin;

H. R. 2781. An act granting an increase of pension to Martin V. B. Wyman;

H. R. 2878. An act granting an increase of pension to John M. Cheevers;

H. R. 3204. An act granting an increase of pension to Charles H. Anthony;

H. R. 3352. An act granting an increase of pension to George R. Roraback;

H. R. 3720. An act granting an increase of pension to Joseph McNulty;
H. R. 3977. An act granting an increase of pension to John Vorous;
H. R. 5709. An act granting an increase of pension to Mary H. Patterson;
H. R. 5854. An act granting an increase of pension to Jonas Gurnee;
H. R. 5856. An act granting an increase of pension to Martin Offinger;
H. R. 6161. An act granting an increase of pension to Horatio Ernest;
H. R. 6491. An act granting an increase of pension to Albert Riley;
H. R. 6575. An act granting an increase of pension to Rawleigh M. Monin;
H. R. 6589. An act granting an increase of pension to Manoah W. Dunkin;
H. R. 6880. An act granting an increase of pension to Marine D. Tackett;
H. R. 6887. An act granting an increase of pension to James E. Taylor;
H. R. 6943. An act granting an increase of pension to Linas Van Steenburg;
H. R. 7415. An act granting an increase of pension to George W. Brawner;
H. R. 7416. An act granting an increase of pension to Joseph R. Boger;
H. R. 7538. An act granting an increase of pension to Thompson H. Hudson;
H. R. 7918. An act granting an increase of pension to John M. Buxton;
H. R. 8164. An act granting an increase of pension to Jackson Mays;
H. R. 8586. An act granting an increase of pension to Milton J. Timmons;
H. R. 8673. An act granting an increase of pension to Marcena C. S. Gray;
H. R. 8718. An act granting an increase of pension to William T. Rowe;
H. R. 9073. An act granting an increase of pension to Melissa McCracken;
H. R. 9450. An act granting an increase of pension to Alexander Brown;
H. R. 9576. An act granting an increase of pension to Henry Wagner;
H. R. 9655. An act granting an increase of pension to William Crooks;
H. R. 10188. An act granting an increase of pension to James L. Conn;
H. R. 10598. An act granting an increase of pension to Robert W. Mills;
H. R. 10874. An act granting an increase of pension to Frederick Pfahl;
H. R. 11098. An act granting an increase of pension to Joseph A. Robinson;
H. R. 20990. An act to create a new division of the southern judicial district of Iowa and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes;
H. R. 21204. An act to amend section 4446 of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots; and
H. R. 21383. An act providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET of Indiana. Mr. Speaker, I ask unanimous consent that the general debate on the post-office appropriation bill may be closed, and the reading of the bill under the five-minute rule begin at 4 o'clock to-morrow instead of 12 o'clock.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the general debate on the post-office appropriation bill be closed at 4 o'clock to-morrow instead of 12 o'clock. Is there objection?

There was no objection.

Mr. OVERSTREET of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 41 minutes p. m.) the House adjourned until Tuesday, February 19, 1907, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting recommendation in relation to appropriation for light and fog signal at Hinchinbrook, Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for reimbursement of travel expenses of certain Army and Navy officers in service with Light-House Board—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Postmaster-General, transmitting a schedule of papers and documents not of value, and also calling attention to other papers and documents the inspection of which has already been recommended to Congress—to the Joint Select Committee on Disposition of Useless Papers, and ordered to be printed.

A letter from the chairman of the Printing Investigation Commission, transmitting a supplemental report of that Commission—to the Committee on Printing, and ordered to be printed.

A letter from the superintendent of the Washington, Alexandria and Mount Vernon Railway Company, transmitting the annual report of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Woodman H. Webb, administrator of estate of Harriet Day, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named as follows:

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 7502) providing for the appointment of an appraiser of merchandise for the customs collection district of Puget Sound, State of Washington, reported the same with amendment, accompanied by a report (No. 7645); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLCOTT, from the Special Committee on Investigation of the Government Hospital for the Insane, submited a report (No. 7644); which was referred to the House Calendar.

Mr. DAVIDSON, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 25694) permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river, reported the same without amendment, accompanied by a report (No. 7648); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bill of the following title was reported from committee, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McCARTHY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15859) ceding certain lands to Colorado State Agricultural College, reported the same with amendment, accompanied by a report (No. 7646); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTAUER: A bill (H. R. 25707) to authorize the construction of dams, canals, power stations, and locks for the improvement of navigation and development of water power on the St. Lawrence River at and near Long Sault Island, St. Lawrence County, N. Y.—to the Committee on Rivers and Harbors.

By Mr. GARBER: A bill (H. R. 25708) to prevent the use of the United States mail or interstate telegraph or telephone lines

in the sale or advertising for sale of fraudulent mining stock—to the Committee on the Post-Office and Post-Roads.

By Mr. McGUIRE: A bill (H. R. 25709) to amend sections 16, 17, and 20 of an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, and for other purposes—to the Committee on the Territories.

By Mr. WANGER: A bill (H. R. 25710) to create in the War Department a roll to be known as the volunteer retired list, to authorize placing thereon with retired pay certain surviving officers and privates of the United States Volunteer Army of the civil war, and for other purposes—to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 25711) to prescribe a maximum rate of 2 cents per mile for passenger fare by any form of ticket or mileage book on railroads engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A bill (H. R. 25712) to provide for raising a volunteer army of the United States in time of actual or threatened war—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 25713) removing restrictions upon the alienation of certain lands in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. SHEPPARD: A bill (H. R. 25714) for the establishment of a fish hatchery at Paris, Tex.—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 25715) authorizing the Interstate Commerce Commission to hold a contest, open to the world, to determine the best device for preventing railway collisions, wrecks, accidents, etc., and providing awards—to the Committee on Interstate and Foreign Commerce.

By Mr. BUCKMAN: A bill (H. R. 25716) to amend an act entitled "An act permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn.," approved June 14, 1906—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 25717) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Clearwater, Wright County, Minn.," approved June 14, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: A bill (H. R. 25718) to provide for the erection of a public building at Sewickley, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. LEGARE: A bill (H. R. 25719) to provide for the establishment of an immigration station at Charleston, in the State of South Carolina, and the erection in said city, on a site to be selected for said station, of a public building—to the Committee on Immigration and Naturalization.

By Mr. MEYER: A bill (H. R. 25720) to provide for the appointment of one additional professor of mathematics in the Navy—to the Committee on Naval Affairs.

By Mr. LORIMER: A bill (H. R. 25721) for the purchase of a site and the erection thereon of a building for a national war museum in the city of Chicago, State of Illinois—to the Committee on Public Buildings and Grounds.

By Mr. DENBY: A joint resolution (H. J. Res. 246) authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: A concurrent resolution (H. C. Res. 55) providing for the printing of 5,000 copies of the testimony taken by the special committee appointed to investigate the Government Hospital for the Insane—to the Committee on Printing.

By Mr. WALLACE: A resolution (H. Res. 851) requesting certain information from the Secretary of the Interior—to the Committee on the Public Lands.

By Mr. SULZER: A resolution (H. Res. 852) requesting the Secretary of the Treasury to transmit to the House of Representatives of the Sixtieth Congress information concerning rates of interest charged to certain national banks—to the Committee on Military Affairs.

By Mr. REEDER: A resolution (H. Res. 854) providing compensation for extra service of H. P. Andrews rendered to printing and bill clerk—to the Committee on Accounts.

By Mr. HEFLIN: A resolution (H. Res. 855) providing for night sessions—to the Committee on Rules.

By Mr. FOSS: A resolution (H. Res. 856) increasing the compensation of the clerk to the Committee on Naval Affairs—to the Committee on Accounts.

By Mr. BROWNLOW: A resolution (H. Res. 857) to pay P. L. Coultry, assistant foreman in the House folding room, an increase of salary—to the Committee on Accounts.

By the SPEAKER: Memorial of the legislature of Texas, praying for legislation to enable the Executive to modify tariff schedules for the purpose of extending American trade—to the Committee on Ways and Means.

Also, a memorial of the legislature of South Dakota, praying for an amendment to the free-alcohol law—to the Committee on Ways and Means.

Also, memorial of the legislature of Kansas, asking for improvement of the Missouri, Mississippi, and Kansas rivers—to the Committee on Rivers and Harbors.

Also, memorial from the legislature of Iowa, favoring the La Follette bill—to the Committee on Interstate and Foreign Commerce.

Also, memorial from the legislature of Wisconsin, praying for the passage of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: A memorial of the constitutional convention of the proposed State of Oklahoma, asking Congress to appropriate $135,000 additional for the expenses of said convention and the election to be held at which the constitution framed is to be submitted to the people—to the Committee on Appropriations.

By Mr. JENKINS: A memorial from the legislature of Wisconsin, asking for the passage of Senate bill 5133, concerning employees and travelers on railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A memorial of the legislature of Texas, recommending legislation concerning trade relations between the United States and foreign countries affecting the meat products—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Memorial of the legislature of Kansas, asking for the passage of the Littlefield bill—to the Committee on the Judiciary.

Also, memorial of the legislature of Kansas, asking for limitation of hours of labor of railway employees—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Kansas, asking for river improvement—to the Committee on Rivers and Harbors.

By Mr. REEDER: Memorial of the legislature of Kansas, recommending the passage of the bill concerning the safety of railway employees—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Kansas, recommending the passage of the Littlefield bill—to the Committee on the Judiciary.

Also, memorial of the legislature of Kansas, recommending the improvement of the Missouri, Mississippi, and Kansas rivers—to the Committee on Rivers and Harbors.

Also, memorial of the legislature of Kansas, recommending the granting of pensions to the survivors of the battle of Beechers Island and their widows—to the Committee on Invalid Pensions.

Also, memorial of the legislature of Kansas, asking that the pension laws may be extended to the Kansas State Militia who served in the civil war—to the Committee on War Claims.

By Mr. BURKE of South Dakota: Memorial of the legislature of South Dakota, asking that Fort Meade, S. Dak., be made a brigade post—to the Committee on Military Affairs.

Also, memorial of the legislature of South Dakota, asking Congress to pass an act removing the restrictions upon the manufacture of denatured alcohol for mechanical and illuminating purposes—to the Committee on Ways and Means.

Also, memorial of the legislature of South Dakota, asking Congress to amend the internal-revenue laws concerning intoxicating liquors—to the Committee on Ways and Means.

Also, memorial of the legislature of South Dakota, asking Congress to remove the tariff from saw logs and lumber—to the Committee on Ways and Means.

By Mr. MARTIN: Memorial from the legislature of South Dakota, requesting Congress to make Fort Meade, S. Dak., a brigade post—to the Committee on Military Affairs.

Also, memorial of the legislature of South Dakota, asking Congress to pass an act removing restrictions on the manufacture of denatured alcohol for mechanical and illuminating purposes—to the Committee on Ways and Means.

By Mr. WEISSE: Memorial of the legislature of Wisconsin,

asking Congress to pass the act relative to the safety of employees and travelers on railways—to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: Memorial of the legislature of Indiana, requesting the passage of a bill by Congress making the battle ground of Stone River, Tennessee, a national park—to the Committee on Military Affairs.

By Mr. DAWSON: Memorial of the State of Iowa, favoring the passage of the act to provide for the safety of employees and travelers on railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. OTJEN: Memorial of the legislature of Wisconsin, in favor of Senate bill 5133—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: Memorial of the legislature of Kansas, recommending the passage of Senate bill 5133—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Kansas, recommending the extension of the pension laws to the Kansas State Militia who served in the civil war—to the Committee on Military Affairs.

Also, memorial of the legislature of Kansas, asking for the improvement of certain rivers—to the Committee on Rivers and Harbors.

Also, memorial of the legislature of Kansas, recommending the passage of the Littlefield bill—to the Committee on the Judiciary.

By Mr. ESCH: Memorial of the legislature of Wisconsin, recommending the passage of Senate bill 5133—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Memorial from the legislature of Iowa, recommending the passage of Senate bill 5133—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. DENBY: A bill (H. R. 25722) granting a pension to Laura A. Floyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25723) granting a pension to Victoria Kidd—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 25724) granting an increase of pension to E. W. Eaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25725) granting an increase of pension to Irene Schormoyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25726) granting an increase of pension to Francisco Zamora de Alderete—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 25727) for the relief of Larnie Dean and James Dean—to the Committee on Claims.

By Mr. FULKERSON: A bill (H. R. 25728) granting an increase of pension to Samuel G. King—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 25729) granting an increase of pension to William Kiernan—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 25730) for the relief of the heirs of John W. Harle—to the Committee on War Claims.

By Mr. HUNT: A bill (H. R. 25731) granting an increase of pension to Robert Lee—to the Committee on Pensions.

By Mr. KELIHER: A bill (H. R. 25732) to change the military record of Michael Duggan—to the Committee on Military Affairs.

By Mr. LORIMER: A bill (H. R. 25733) to reimburse G. W. Sheldon & Co., New York—to the Committee on Claims.

By Mr. McCALL: A bill (H. R. 25734) granting an increase of pension to James B. David—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 25735) for the relief of Miss Emily Clayton—to the Committee on War Claims.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which thereupon referred as follows:

A bill (H. R. 25694) permitting the erection of a dam across Coosa River, Alabama, at the place selected for Lock No. 12 on said river—Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on Rivers and Harbors.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the State Federation of Labor of California, for increase of pay of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against legislation for the naturalizing of Japanese and any coercion of California—to the Committee on Immigration and Naturalization.

Also, petition of the national benevolent societies of Philadelphia, for legislation to investigate the whole question of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of Junction City Post, Grand Army of the Republic, conveying thanks to Congress for the promotion of Edward S. Godfrey—to the Committee on Military Affairs.

Also, petition of various organizations of citizens in the States and the District of Columbia, against the Littlefield bill—to the Committee on the Judiciary.

Also, petition of Immigrants' Protection League, against legislation in restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BONYNGE: Petition of the Grand River Stock Growers' Association, against any change in the laws affecting the administration of the public lands—to the Committee on the Public Lands.

Also, petition of the Grand River Stock Growers' Association, against paying fees for stock-growing privileges on Government reserves—to the Committee on the Public Lands.

Also, petition of citizens of Rio Blanco County, Colo., against any change in the existing land laws—to the Committee on the Public Lands.

By Mr. BOWERSOCK: Petition of citizens of Muncie, Kans., for investigation of pay to railways for mail service—to the Committee on the Post-Office and Post-Roads.

By Mr. BRICK: Petition of the Beacon Light Society of the City of Goshen, Ind., for repeal of the duty on works of art—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: Petition of citizens of Arkansas, against reduction of the allowance for railway mail service—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER of Pennsylvania: Petition of George A. McCall Post, No. 31, Department of Pennsylvania, Grand Army of the Republic, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. DOVENER: Paper to accompany bill for relief of John T. Pinnock—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the California State Federation of Labor, for bill H. R. 9754 (classification of first and second class post-office clerks)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to Japanese in San Francisco—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of the California State Federation of Labor, for classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSTER of Indiana: Petition of Evansville (Ind.) Typographical Union, for bills S. 6330 and H. R. 19853—to the Committee on Patents.

By Mr. FULLER: Petition of Mrs. W. Fletcher Barnes, of Rockford, Ill., for continuance of the appropriation for the Biological Survey—to the Committee on Agriculture.

Also, petition of Baker, Wignall & Co., of Streator, Ill., against express companies competing with regular dealers in the fruit business—to the Committee on Interstate and Foreign Commerce.

By Mr. GRONNA: Paper to accompany bill for relief of Charles B. Saunders—to the Committee on Pensions.

By Mr. GUDGER: Paper to accompany bill for relief of James Doyle—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ellen M. Galyean—to the Committee on Pensions.

By Mr. HIGGINS: Petition of the State Business Men's Association of Connecticut, for forest reservations—to the Committee on Agriculture.

Also, petition of George E. Tingley, of Mystic, Conn., against certain provisions in the copyright bill—to the Committee on Patents.

By Mr. HUFF: Petition of the California State Federation of

Labor, for classification of salaries of clerks (H. R. 9754)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to Japanese in San Francisco—to the Committee on Labor.

By Mr. KELIHER: Petition of the Dorchester Helping Hand Association, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of Morriss Bailen, against the pending immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of Boston Typographical Union, No. 13, for the copyright bill—to the Committee on Patents.

Also, petition of the Massachusetts State Association of Master Plumbers, for bill S. 6923—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Springfield (Mass.) Board of Trade, for readjustment of the scale of salaries for post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMB: Petition of the California State Federation of Labor, for reclassification of salaries of post-office clerks (H. R. 9754)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of President Roosevelt relative to the Japanese in San Francisco—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of the Grand Street Board of Trade, of Brooklyn, N. Y., for the Wilson bill (reclassification of the clerks of the first and second classes)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Association of Master Plumbers of New York, for bill S. 6923—to the Committee on the Post-Office and Post-Roads.

By Mr. LIVINGSTON: Papers to accompany bills for relief of Joel R. Prewett, administrator of James W. Prewett; William P. Haynes, and James K. P. Carlton—to the Committee on War Claims.

By Mr. MARTIN: Petition of citizens of Ipswich, S. Dak., for legislation to prohibit child labor—to the Committee on Labor.

By Mr. McCALL: Petition of citizens of Winchester, Mass., for the Littlefield bill—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Penrose Forsythe—to the Committee on Invalid Pensions.

By Mr. NORRIS: Petition of the California State Federation of Labor, for reclassification of the salaries of post-office clerks (H. R. 9754)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to Japanese in San Francisco—to the Committee on Foreign Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of Anna Bunch—to the Committee on War Claims.

By Mr. POWERS: Paper to accompany bill for relief of F. H. Grant—to the Committee on War Claims.

By Mr. REEDER: Petition of citizens of Kansas, for enlarged powers of the Interstate Commerce Commission in governing railway traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Alabama: Petition of citizens of Lauderdale County and Colbert County, Ala., for two sessions annually of the Federal court of northern Alabama, to be held at Florence, Ala.—to the Committee on the Judiciary.

By Mr. RIORDAN: Petition of the California State Federation of Labor, for reclassification of post-office clerks (H. R. 9754)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to the Japanese in San Francisco—to the Committee on Foreign Affairs.

By Mr. RODENBERG: Petition of the Millstadt Liederkranz, of Millstadt, Ill., against the Littlefield bill—to the Committee on the Judiciary.

Also, petition of citizens of Belleville, Ill., against restriction of desirable immigrants (the Lodge-Gardner bill)—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of the California State Federation of Labor, for classification of clerks in the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to the Japanese in San Francisco—to the Committee on Labor.

By Mr. SPIGHT: Paper to accompany bill for relief of Miss Emily Clayton—to the Committee on War Claims.

By Mr. STEPHENS of Texas: Petition of the Cattle Raisers' Association of Texas, for legislation toward enlarging the foreign market for beef and pork raisers of the United States—to the Committee on Ways and Means.

By Mr. WALLACE: Petition of citizens of Sulphur, Ind. T., against the management of the superintendent of the Platt National Park, of Sulphur—to the Committee on the Public Lands.

By Mr. WEEKS: Paper to accompany bill for relief of Henry G. Crockett—to the Committee on War Claims.

By Mr. WEISSE: Petition of the California State Federation of Labor, against the President's position relative to the Japanese in San Francisco—to the Committee on Foreign Affairs.

Also, petition of the California State Federation of Labor, for classification of first and second class post-office clerks (H. R. 9754)—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *February 19, 1907.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCCUMBER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

WASHINGTON, ALEXANDRIA AND MOUNT VERNON RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Washington, Alexandria and Mount Vernon Railway Company for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for use of the midshipmen at the Naval Academy;

S. 8274. An act to amend an act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.; and

S. 8362. An act to authorize the city council of Salt Lake City, Utah, to construct and maintain a boulevard through the military reservation of Fort Douglas, Utah.

The message also announced that the House had passed the bill (S. 2769) to divide Nebraska into two judicial districts, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 22338. An act to bridge Bayou Bartholomew, in Louisiana;

H. R. 24605. An act granting to the Norfolk and Portsmouth Traction Company the right to operate trains through the military reservation on Willoughby Spit, Norfolk County, Va.;

H. R. 25549. An act to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life-insurance companies or associations; and

H. R. 25611. An act to authorize the Burnwell Coal and Coke Company to construct a bridge across the Tug Fork of Big Sandy River.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21579) granting an increase of pension to Sarah R. Harrington.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 9841. An act to correct the military record of James H. Davis; and

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west of the Indian meridian, in Cleveland County, Okla.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 1726. An act making provision for conveying in fee the